

EXHIBIT B.23

1 MARK I. SOKOLOW, et al, * IN THE UNITED STATES
2 Plaintiffs, * DISTRICT COURT
3 vs. * FOR THE SOUTHERN
4 THE PALESTINE LIBERATION * DISTRICT OF NEW
5 ORGANIZATION, et al, * CIVIL ACTION NO.:
6 Defendants, * 04cv397 (GBD) (RLE)

7 * * * * *

8 VOLUME II of II

9 DEPOSITION OF:

10 DR. MATTHEW LEVITT,

11 was held on Wednesday, September 25, 2013,
12 commencing at 10:37 a.m., at Miller & Chevalier,
13 655 15th Street, N.W., Suite 900, Washington,
14 D.C., before Cheryl Jefferies, Certified
15 Shorthand Reporter.

16 * * * * *

<p style="text-align: right;">Page 231</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the PLAINTIFFS:</p> <p>4 BRIAN HILL, ESQ.</p> <p>5 KARA SCHMIDT, ESQ.</p> <p>6 ANDY WISE, ESQ.</p> <p>7 MILLER & CHEVALIER CHARTERED</p> <p>8 655 15th Street, N.W.</p> <p>9 Suite 900</p> <p>10 Washing, D.C. 20005</p> <p>11 (202) 626-6014</p> <p>12 E-mail: Bhill@milchev.com</p> <p>13</p> <p>14 On behalf of the DEFENDANTS:</p> <p>15 PHILIP W. HORTON, ESQ.</p> <p>16 ARNOLD & PORTER, LLP</p> <p>17 555 Twelfth Street, N.W.</p> <p>18 Washington, D.C. 20004</p> <p>19 (202) 942-5787</p> <p>20 E-mail: Philip_Horton@aporter.com</p> <p>21</p>	<p style="text-align: right;">Page 233</p> <p>1 I-N-D-E-X (cont'd.)</p> <p>2 EXHIBITS: PAGE:</p> <p>3 199 "Woman dies in W. Bank; Arafat 315</p> <p>4 wants truce violaters stopped"</p> <p>5 from Haaretz.com</p> <p>6 200 Report entitled "The 'Al Aqsa 324</p> <p>7 Martyrs Brigades' (on US State</p> <p>8 Department list of terror</p> <p>9 organizations) and the Fatah</p> <p>10 Organization are one and the</p> <p>11 same, and Yasser Arafat is their</p> <p>12 leader and commander"</p> <p>13 201 Report entitled "The Palestinian 338</p> <p>14 Authority Employs Fatah</p> <p>15 Activists Involved in Terrorism</p> <p>16 and Suicide Attacks"</p> <p>17 202 Letter dated 2/6/2002, Subject: 346</p> <p>18 The general situation/state</p> <p>19 of the Fatah Militias</p> <p>20 203 Report entitled "The Involvement 351</p> <p>21 of Arafat, PA Senior Officials</p> <p>and Apparatuses in Terrorism</p> <p>against Israel, Corruption and</p> <p>Crime"</p> <p>204 Report entitled "The Cooperation 369</p> <p>Between Fatah and the PA</p> <p>Security Apparatuses with PIJ</p> <p>and Hamas in the Jenin Area"</p> <p>205 Report entitled "The Involvement 393</p> <p>of Arafat, PA Senior Officials</p> <p>and Apparatuses in Terrorism</p> <p>against Israel, Corruption and</p> <p>Crime"</p>
<p style="text-align: right;">Page 232</p> <p>1 I-N-D-E-X</p> <p>2 Deposition of Dr. Matthew Levitt - Volume II</p> <p>3 September 25, 2013</p> <p>4 EXAMINATION BY: PAGE:</p> <p>5 Mr. Hill 236</p> <p>6 EXHIBITS: PAGE:</p> <p>7 191 E-mail exchange between Dr. 237</p> <p>8 Levitt and Rachel Weiser</p> <p>9 192 Lawfare: Fighting Back 243</p> <p>10 193 U.S. State Department cable 248</p> <p>11 via WikiLeaks</p> <p>12 194 "Worrisome Findings on Decision- 256</p> <p>13 Making" from Haaretz.com</p> <p>14 195 Report entitled "Jenin, The 261</p> <p>15 Capital of the Palestinian</p> <p>16 Suicide Terrorists"</p> <p>17 196 Report entitled "The 'Al Aqsa 288</p> <p>18 Martyrs Brigades' (on US State</p> <p>19 Department list of terror</p> <p>20 organizations) and the Fatah</p> <p>21 Organization are one and the</p> <p>same, and Yasser Arafat is their</p> <p>leader and commander"</p> <p>197 Document from Newsmine.org 296</p> <p>198 Report entitled "Palestinian 302</p> <p>Authority Captured Documents,</p> <p>Main Implications"</p>	<p style="text-align: right;">Page 234</p> <p>1 I-N-D-E-X (cont'd.)</p> <p>2 EXHIBITS: PAGE:</p> <p>3 206 "Arafat orders crackdown on 395</p> <p>4 cease-fire violaters" from</p> <p>5 Haaretz.com</p> <p>6 207 Report entitled "A Captured 407</p> <p>7 Document Showing that in</p> <p>8 Bethlehem the Fatah (Under</p> <p>9 its Various Names) and the PA</p> <p>10 Intelligence Apparatuses Maintain</p> <p>11 a Regime of Oppression Based on</p> <p>12 Intimidation, Extortion,</p> <p>13 Unwarranted Arrests and Abuse</p> <p>14 of the Local Christian Population</p> <p>15 208 Article entitled "Israel Kills 418</p> <p>16 Key Commander of Humans in</p> <p>17 Helicopter Raid; Attack Could</p> <p>18 Hurt U.S. Peace Effort on Eve</p> <p>19 of Envoys' Arrival"</p> <p>20 209 "U.S. dubs Al Aqsa Brigades 424</p> <p>21 terrorist" from Haaretz.com</p> <p>210 Report entitled "Patterns of 430</p> <p>Global Terrorism 2002"</p> <p>211 "Currently listed entities" 436</p> <p>from Canada</p> <p>212 "Arafat ordered Hamas attacks 438</p> <p>18 against Israel in 2000" from</p> <p>19 The Jerusalem Post</p> <p>20 213 "Bush Says Palestinians Will 443</p> <p>21 Lose Aid if They Keep Arafat"</p> <p>from The New York Times</p>

<p style="text-align: right;">Page 235</p> <p>1 I-N-D-E-X (cont'd.)</p> <p>2 EXHIBITS: PAGE:</p> <p>3 214 "Arafat: End all attacks on 446</p> <p>4 Israel, Under pressure to halt</p> <p>5 terror; Palestinian leader makes</p> <p>6 plans"</p> <p>7 215 "Arafat urges militants to halt 446</p> <p>8 attacks on Israel" from the</p> <p>9 Baltimore Sun</p> <p>10 216 "The Palestinian Leadership 448</p> <p>11 Declare a State of Emergency</p> <p>12 Throughout the Palestinian</p> <p>13 Territory"</p> <p>14 (Original exhibits retained by counsel.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>	<p style="text-align: right;">Page 237</p> <p>1 Q. Did you write every word in that</p> <p>2 report?</p> <p>3 A. Yes, I did.</p> <p>4 MR. HILL: Let's mark this one,</p> <p>5 please.</p> <p>6 (Defendant's Deposition Exhibit Number</p> <p>7 191 was marked for identification.)</p> <p>8 BY MR. HILL:</p> <p>9 Q. Dr. Levitt, we're showing you what</p> <p>10 we've marked as Exhibit Number 191. Is that your</p> <p>11 e-mail address?</p> <p>12 A. That's one of them, yes.</p> <p>13 Q. Did you, in fact, have the e-mail</p> <p>14 exchange with someone named Rachel Weiser that's</p> <p>15 depicted on Exhibit 191?</p> <p>16 A. I don't remember the e-mail, but, yes,</p> <p>17 this is from my e-mail, and this is with Rachel.</p> <p>18 Q. All right. And you'll see that the</p> <p>19 e-mails are dated on March 23rd of this year,</p> <p>20 correct?</p> <p>21 A. Yes.</p>
<p style="text-align: right;">Page 236</p> <p>1 P-R-O-C-E-E-D-I-N-G-S</p> <p>2 WHEREUPON --</p> <p>3 DR. MATTHEW LEVITT,</p> <p>4 a Witness called for examination, having been</p> <p>5 previously duly sworn, resumed his testimony as</p> <p>6 follows:</p> <p>7 THE REPORTER: You're reminded that</p> <p>8 you're still under oath.</p> <p>9 THE WITNESS: Yes, ma'am.</p> <p>10 EXAMINATION (cont'd.)</p> <p>11 BY MR. HILL:</p> <p>12 Q. Dr. Levitt, did you speak to anyone</p> <p>13 about your testimony between the time we recessed</p> <p>14 last night and right now?</p> <p>15 A. I did not.</p> <p>16 Q. If you could find your report, which</p> <p>17 has been previously marked as Exhibit 182.</p> <p>18 A. Is this my stack here?</p> <p>19 Q. Yes, sir. What portions of that</p> <p>20 report did you write?</p> <p>21 A. I wrote all of it.</p>	<p style="text-align: right;">Page 238</p> <p>1 Q. And if you'll look at the last page of</p> <p>2 Exhibit 182, which is your report, it bears your</p> <p>3 signature dated March 22nd of 2013. Do you see</p> <p>4 that, sir?</p> <p>5 A. I do.</p> <p>6 Q. And you, in fact, signed that on March</p> <p>7 22nd, right?</p> <p>8 A. Yes.</p> <p>9 Q. If you'll see in the text of Ms.</p> <p>10 Weiser's e-mail at the bottom, she says, "Oh, I</p> <p>11 also need to include a statement of the</p> <p>12 compensation to be paid for your report and</p> <p>13 testimony in this case. The report was</p> <p>14 \$5,000.00. What is your hourly rate for</p> <p>15 testimony in court?" Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And then you responded on March 23rd,</p> <p>18 it looks like maybe the time is cut off, "Rachel,</p> <p>19 yes, that's the fee for this report. My fee for</p> <p>20 testimony is \$400/hour." Do you see that?</p> <p>21 A. Yes.</p>

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1 Q. Okay. Do you know why Ms. Weiser was
2 e-mailing you on the 23rd indicating that she
3 needed to include a statement of the compensation
4 to be paid for your report and testimony in the
5 case?

6 A. I don't remember the details. It's
7 possible that I was on travel, I travel a lot, or
8 out of the office for some reason and hadn't
9 included it in the Scope of Engagement, and
10 didn't realize that I was supposed to have, and
11 so she might have added that in under the Scope
12 of Engagement. Not, obviously, under my Opinions
13 or Findings, but in terms of what is legally
14 required to be in here.

15 Q. Okay. So on the first page of 182,
16 the last sentence under Scope of Engagement does
17 say, "My hourly rate for providing testimony is
18 \$400.00 per hour," right?

19 A. Correct.

20 Q. And you're now thinking that maybe Ms.
21 Weiser wrote that?

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1 Q. You mentioned yesterday that you were
2 first contacted by someone named Nitsana
3 Darshan-Leitner about working on this case,
4 right?

5 A. Again, I don't remember if I said that
6 I was first contacted by her but that I was
7 working for her firm. It might have been someone
8 else in her firm or her husband who works with
9 her. But, yes, I think it was their firm.

10 Q. For the record, what is her husband's
11 name?

12 A. Avraham -- Abraham in English.
13 A-V-R-A-H-A-M. He goes by Avi, A-V-I.

14 Q. And you mentioned Ms.
15 Darshan-Leitner's firm. What is the name of her
16 firm?

17 A. It's Hebrew, so I'll spell it. Don't
18 worry. Shurat, S-H-U-R-A-T, HaDin, capital
19 H-A-D-I-N.

20 Q. Okay. And does Rachel Weiser also
21 work for Shurat HaDin?

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1 A. It's possible she added that in.

2 Q. Do you know if any other changes were
3 made to your report after you signed it on March
4 22nd, 2013?

5 A. Not to my knowledge, no.

6 Q. Have you retained a copy of your
7 report before it was modified by Ms. Weiser?

8 A. I don't know.

9 Q. All right. Have you sent a bill for
10 your work on this case?

11 A. If I recall, I sent one bill for, I
12 think it was the 5,000, and there is a pending
13 invoice that will go out when we're done with
14 this deposition. I understand part of that goes
15 to you and part of that goes to them.

16 Q. Have you been paid anything for your
17 work on this case?

18 A. I'm pretty sure I've been paid the
19 5,000, yes.

20 Q. Was that a check or a wire?

21 A. It would have been a wire.

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1 A. Yes.

2 Q. In fact, what we've marked as Exhibit
3 Number 191, it says at the top, "Work/Shurat
4 HaDin," correct?

5 A. That's right.

6 Q. And you've done work for Shurat HaDin
7 on other matters, right?

8 A. I have.

9 Q. Are you familiar with a term called
10 lawfare, L-A-W-F-A-R-E, all one word?

11 A. I am.

12 Q. What does that mean?

13 A. It's an idea that people try and
14 stymie -- either debated an issue or intimidate
15 someone from investigating an issue by drowning
16 them in frivolous lawsuits.

17 Q. And are you aware whether Shurat HaDin
18 engages in lawfare?

19 MR. HORTON: Object to the form.

20 A. Not to my knowledge, they do not.

21 Q. Have you ever visited Shurat HaDin's

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1 website?

2 A. I don't think I have.

3 MR. HILL: Let's mark this as the next
4 exhibit, please.

5 (Defendant's Deposition Exhibit Number
6 192 was marked for identification.)

7 BY MR. HILL:

8 Q. We've handed you what's been marked as
9 Exhibit Number 192, which you'll see at the top
10 left has the words, "Shurat HaDin, Israel Law
11 Center." Do you see that, sir?

12 A. I do.

13 Q. And you'll see that the first word in
14 the center column there is, "Lawfare: Fighting
15 Back." Do you see that, sir?

16 A. Yes.

17 Q. It says, "While anti-Jewish and
18 anti-Israeli individuals and organizations around
19 the world seek to harm Israel and its people
20 using warfare, terrorism, and other illegal or
21 deceitful tactics, Shurat HaDin believes in using

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1 American citizens and their successful \$338
2 million lawsuit against the Government of Syria."
3 Do you see that?

4 A. I do.

5 Q. You were involved in that case, right?

6 A. I testified in that case, yes.

7 Q. Were you involved in the lawsuit
8 against former President Carter?

9 A. No.

10 Q. Were you involved in the lawsuit that
11 Shurat HaDin brought against the United States
12 State Department?

13 A. No.

14 Q. How many cases have you been involved
15 in with Shurat HaDin, to the best of your
16 knowledge?

17 A. I think this is the third.

18 Q. In fact, sir, you have worked with
19 Shurat HaDin on a total of five other cases
20 against the PA and the PLO, right?

21 A. I don't think that's true, though it's

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1 existing laws to obtain its objectives." Do you
2 see that, sir?

3 A. I do.

4 Q. The next paragraph says, "Thus, we
5 have been involved in court actions ranging from
6 a lawsuit against Jimmy Carter for
7 misrepresentation, to forcing the trial of Hamas
8 terrorists as war criminals. We also engage the
9 media and public at large to clarify important
10 issues, like designating the Gaza flotilla a
11 violation of U.S. law under the U.S. Neutrality
12 Act, and notifying maritime insurance carriers
13 about the illegality of providing insurance to
14 future flotilla vessels." Do you see that?

15 A. I do.

16 Q. Then they list some of their cases,
17 and there are what appear to be links to
18 different news reports, right?

19 A. Yes.

20 Q. The first one mentions, "A Tel-Aviv
21 based law center has represented two families of

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1 possible that sometimes law firms partner with
2 each other, so some of these cases may be cases
3 that in my mind I've worked with another law
4 firm, but maybe Shurat HaDin has been involved as
5 well.

6 Q. Let me just ask you about each of them
7 for the record.

8 A. Sure.

9 Q. Were you working with Shurat HaDin for
10 the work you did in the Parsons case?

11 A. No.

12 Q. What firm were you working with on
13 that case?

14 A. Perles, P-E-R-L-E-S. Steven Perles.

15 Q. Were you working with the Shurat HaDin
16 law firm in the Shatsky case?

17 A. I don't think so. I think -- I don't
18 remember which firm it was, but it was not Shurat
19 HaDin. I only started working with them fairly
20 recently. If you have a list of any of the other
21 law firms that were involved in that case, I can

5 (Pages 243 to 246)

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1 probably tell you from the list which one I was
2 involved with.

3 Q. That's okay. How about the
4 Sapperstein case? Were you working with Shurat
5 HaDin on the Sapperstein case?

6 A. Sapperstein. I did work on the
7 Sapperstein case. I can't recall if that was
8 Shurat HaDin. It might have been, but I think it
9 was another firm.

10 Q. Okay.

11 A. But I did work on that case.

12 Q. Were you working with Shurat HaDin in
13 connection with the Klineman case that you
14 mentioned yesterday?

15 A. No.

16 Q. What was the name of the firm you were
17 working with in Klineman?

18 A. I think that was Heideman.

19 Q. And in this case, the Sokolow case,
20 you are working with Shurat HaDin, right?

21 A. Yes.

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1 So I don't want to look at this. I
2 don't want to participate in this. This is still
3 classified information that you just provided me.

4 Q. Okay. Is this classified information
5 you received while you worked for the United
6 States Government?

7 A. I don't know what it is. I haven't
8 looked at it, and I don't want to.

9 Q. Were you employed by the United States
10 Government on August 30th, 2007?

11 A. Well, I guess -- when did I leave?
12 No, I was not. I left in January 2007.

13 Q. Well, if this document was cabled on
14 August 30th, 2007, you would agree with me that
15 it's not possibly material that you were exposed
16 to as a U.S. Government employee?

17 A. That's right.

18 Q. Does that change your position on
19 whether you're willing to look at the document?

20 A. Unfortunately, no. The ban is on
21 looking at and using classified information.

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1 MR. HILL: Let's mark this one,
2 please.
3 (Defendant's Deposition Exhibit Number
4 193 was marked for identification.)

5 BY MR. HILL:

6 Q. Dr. Levitt, I'm handing you what's
7 been marked as Exhibit Number 193, which appears
8 to be a U.S. State Department cable that's been
9 reprinted on the website known as WikiLeaks.

10 A. Can I interrupt you for a second? I
11 apologize.

12 This presents a problem for me. I'll
13 explain. WikiLeaks is in the public domain, but
14 this information is not declassified. It remains
15 classified.

16 When I left the Treasury Department, I
17 signed a pledge to protect classified
18 information, and most lawyers, including those
19 I've spoken to, says that I should not be reading
20 WikiLeaks, and I don't. I don't use it in my
21 work.

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1 This is classified information even though it's
2 in the public domain. It's ridiculous, I agree,
3 but the Government's not declassified it, and
4 I've been advised not to use any WikiLeaks stuff.

5 Q. Okay. Well, I understand you're
6 refusing to look at it. I appreciate you
7 explaining your rationale.

8 A. If there's something -- I'm sorry to
9 interrupt.

10 If there's something about this, like
11 a New York Times article talking about it, that,
12 I can look at. But I can't -- I'm sorry.

13 Q. Why wouldn't the same rationale apply
14 if it was in The New York Times as opposed to the
15 WikiLeaks web page?

16 A. So if it's on The New York Times
17 website and it appears in total, then it's the
18 exact same thing. But if -- I'm allowed to read
19 the newspapers, and if newspapers talk about
20 things, like I'm not -- the Barton Gellman
21 articles on NSA, that type of stuff happens all

6 (Pages 247 to 250)

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1 the time. It's a step enough removed that it
2 doesn't impact as much. I'm not actually looking
3 at a classified document. I'm not responsible
4 for that.

5 Q. If there's other formerly classified
6 material or classified material that's been
7 leaked, you are excluding that from your
8 consideration in this case, right?

9 A. That's right.

10 Q. So if there's information that was
11 leaked and is on the WikiLeaks page, that's
12 information that you have not considered in your
13 opinions?

14 A. Correct.

15 Q. Do you know if other scholars in the
16 field share your inhibition on using WikiLeaks
17 material?

18 A. It's a question of whether or not --
19 well, it's a question of how they interpret it in
20 general terms. There's lots of different
21 opinions on this. There's one think tank here in

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1 classified or they publicly release it for public
2 use, that's another thing.

3 And, also, frankly, I'm not an Israeli
4 citizen. I have no obligation, like I do to the
5 United States, to protect their classified
6 information as I do my own.

7 Q. Let's do it as a hypothetical then.

8 A. Sure.

9 Q. Assume that Nitsana Darshan-Leitner
10 has said that in the early years, Shurat HaDin
11 took direction from the Government of Israel
12 about which cases to pursue. Assume that she
13 said that. Has she ever told you that?

14 A. No.

15 Q. Do you know if this case is one of the
16 cases that the Government of Israel directed
17 Shurat HaDin to pursue?

18 A. I don't.

19 Q. Do you know if any of the other cases
20 you've worked on for Shurat HaDin, are one of the
21 cases that the Israeli Government directed Shurat

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1 town that simply barred WikiLeaks material from
2 appearing on any of its servers. Nobody's
3 allowed to use it. But for the most part, the
4 consensus appears to be that it affects people
5 who have been in Government and have signed a
6 pledge to protect classified material, and,
7 therefore, people who have not been in Government
8 tend to feel a lot more comfortable using it, and
9 certainly non-Americans.

10 Q. So you're comfortable using material
11 released by the Israeli Government, but not
12 comfortable considering classified material that
13 was once in the possession of the United States
14 Government?

15 A. It's not a question of release. It's
16 a question of declassification. And in that
17 sense, release, the U.S. Government never
18 released this information. So if the U.S.
19 Government released it and made it declassified,
20 I use declassified material all the time. If the
21 Israelis provide something and it's no longer

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1 HaDin to pursue?

2 A. Not to my knowledge.

3 Q. All right. As I just alluded to, in
4 your report there are a number of occasions where
5 you rely on documents that were released by the
6 Israeli Government; is that correct?

7 A. For simplicity sake, let's say yes,
8 and we'll get into, I'm sure, as to what is and
9 what is not actually Israeli Government or from
10 the Israeli Government.

11 Q. All right. And the organization
12 within the Israeli Government that was dealing
13 with the release of these materials and
14 publishing these reports online, was called the
15 IDF Military Intelligence group, right?

16 A. In some instances, yes.

17 Q. And you're familiar with that
18 organization?

19 A. Yes.

20 Q. Are you familiar with someone called
21 Efraim Halevy?

7 (Pages 251 to 254)

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1 A. E-F-R-A-I-M, Halevy, H-A-L-E-V-Y.
2 Q. And what position did he hold within
3 IDF's Military Intelligence?

4 A. I don't know what Efraim Halevy held
5 in IDF Military Intelligence. I think his last
6 position was as head of the Mossad, which is a
7 different organization, M-O-S-S-A-D. It's their
8 version of the CIA.

9 Q. Okay. And are you also familiar with
10 someone called Matti Steinberg?

11 A. No.

12 Q. Are you aware that -- let me ask you
13 more precisely.

14 Do you know someone named Ephraim,
15 E-P-H-R-A-I-M, Lavie, L-A-V-I-E?

16 A. No.

17 Q. Do you know whether he held a position
18 in IDF's Military Intelligence organization?

19 A. It would be hard for me to know that
20 if I don't know him, no.

21 Q. Do you know whether Matti Steinberg

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1 press sources go.

2 Q. If you look down at the bottom, the by
3 line for this article indicates that, "Colonel
4 Dr. Ephraim Lavie headed the Palestinian section
5 in the military intelligence directorate's
6 research division during the second intifada.
7 Dr. Matti Steinberg was an advisor to the Shin
8 Bet director." Do you see that, sir?

9 A. I do.

10 Q. Do you have any reason to doubt that
11 the purported authors of this article in fact
12 held those positions?

13 A. No reason to doubt them, no.

14 Q. Sir, I was going to call your
15 attention to about halfway down the page.
16 There's a paragraph that says -- starting with
17 the word, "Rather." Do you see that?

18 A. Yes.

19 Q. It reads, "Rather than serve as a
20 professional element that presents intelligence
21 about the enemy as it understands it, Military

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1 worked for what's known as Shin Bet?

2 A. I don't.

3 Q. And for the record, what is Shin Bet?

4 A. It's the Israeli equivalent to the
5 FBI. It's their domestic security intelligence
6 outfit.

7 MR. HILL: Let's mark this as our next
8 exhibit.

9 (Defendant's Deposition Exhibit Number
10 194 was marked for identification.)

11 BY MR. HILL:

12 Q. We've handed you what has been marked
13 as Exhibit Number 194, which is a printout from
14 Haaretz, H-A-A-R-E-T-Z, dot com. What is
15 Haaretz?

16 A. Haaretz is one of the main English
17 language daily newspapers in Israel. Actually in
18 Hebrew, too, but this is English.

19 Q. Do you believe it is a reliable press
20 source as press sources go?

21 A. As press sources go and as Israeli

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1 Intelligence was harnessed to use public
2 diplomacy and propaganda to ostensibly provide
3 expert backing for Sharon's policies." Do you
4 see that, sir?

5 A. I do.

6 Q. Are you familiar with that critique of
7 the IDF Military Intelligence organization?

8 A. Not as such, no. That is to say I
9 haven't seen this article and I haven't seen a
10 critique of the -- sometimes it's called Defense
11 Ministry Intelligence, or DMI, but I have seen
12 that critique of the way DMI took information,
13 mostly seized documents, and provided it to an
14 affiliated think tank. And people criticized
15 that, that that's not something that the Military
16 Intelligence outfit would normally do.

17 Q. Now that you are aware of that
18 critique, does that cause you any concern about
19 relying on the materials that were released by
20 DMI, as you've described it?

21 A. No. With the caveat, that is to say,

8 (Pages 255 to 258)

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1 the primary source documents that were released
 2 and authenticated are what they are. But then
 3 the additional analysis that goes along with it,
 4 sometimes by the people who are putting it out,
 5 which was the -- it was originally called CSS,
 6 the, I think, Center for Special Studies, which
 7 was this kind of pseudo think tank kind of
 8 affiliated with the Israeli military. That is a
 9 different issue.

10 In other words, the primary source
 11 documents are primary source documents, and then
 12 one may agree or disagree with the analysis and
 13 before and after put out by the military. You
 14 know, as a researcher, you interview or you read
 15 things, and everybody's got their opinion and
 16 everybody's out to inform and persuade, whether
 17 it's, you know, a politician here or a foreign
 18 government for sure, and so you have to weigh
 19 that in your considerations.

20 Q. So are you saying, sir, that your
 21 opinions are not based on the IDF Military

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1 A. I do.

2 Q. And for that discussion of that
 3 particular document, you cite to, in Footnote 16,
 4 something called, "Jenin: The Capital of the
 5 Palestinian Suicide Terrorists, IDF/MI report."
 6 Do you see that, sir?

7 A. I do.

8 Q. And the IDF/MI is the organization
 9 that we've been discussing, right?

10 A. Correct.

11 Q. So you are, in fact, citing to the
 12 report of that organization there for a statement
 13 about a purported September 2001 letter, right?

14 A. Again, these reports include, often as
 15 a appendices, the primary source documents, so it
 16 looks like I am citing to that report within
 17 which is included the document.

18 MR. HILL: Let's mark this, please.

19 (Defendant's Deposition Exhibit Number
 20 195 was marked for identification.)

21 BY MR. HILL:

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1 Intelligence spin on the documents?

2 A. I don't think there is any, and I
 3 don't know that I'd call it spin. That's your
 4 word. It's their analysis, and maybe it's spin,
 5 maybe it's just their analysis, and maybe I would
 6 agree or maybe I disagree, but I try to keep to
 7 the seized documents and to note, if and when
 8 citing to some of their analysis, that I'm doing
 9 that. In other words, to keep the two separate.

10 Doesn't mean that their analysis is
 11 necessarily wrong. There's a difference between
 12 analysis and spin, of course.

13 Q. Well, let's look at Page 10 of your
 14 report, where you begin to discuss some of these
 15 seized documents, as you've describe them. In
 16 the first paragraph, carry-over paragraph there,
 17 you reference what you describe as a September
 18 2001 letter from Fatah members in the Jenin
 19 Refugee Camp to Marwan, M-A-R-W-A-N, al, A-L,
 20 dash, Barghouti, B-A-R-G-H-O-U-T-I. Do you see
 21 that, sir?

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1 Q. Dr. Levitt, I've handed you Exhibit
 2 195. Is this, in fact, the IDF/MI report that
 3 you cite in Footnote 16 of your report?

4 A. Yep, that appears to be it.

5 Q. Turn, if you will, to Page 17 of the
 6 report.

7 A. Okay.

8 Q. And you will see there, sir, on Page
 9 17, 18 and 19 what purports to be a copy of an
 10 original document in Arabic. Do you see that?

11 A. I do.

12 Q. For the record, sir, you do not read
 13 Arabic, right?

14 A. Correct.

15 Q. When you have made statements about
 16 the content of this report, you are, therefore,
 17 necessarily relying on a translation, right?

18 A. Correct.

19 Q. Are you, in fact, relying on the
 20 translation provided by the IDF/MI on Pages 14,
 21 15, and 16 of this exhibit?

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1 A. Likely.

2 Q. Have you seen another translation of
3 this document, sir?

4 A. I don't think I have seen another
5 translation, but because I don't read Arabic, we
6 do have Arabic speakers within our institute and
7 I'll often run things by them to make sure that
8 the translation is not inaccurate.

9 Q. Okay. And did you run this particular
10 document by such a person to determine whether
11 this was an accurate translation?

12 A. I don't recall.

13 Q. What is the name of the person that,
14 if you had done that, you would have run it by?

15 A. I don't recall. Usually it's research
16 assistants who come and go, and it's whoever's
17 around.

18 Q. So sitting here today, if I wanted to
19 find someone to verify that, in fact, an Arabic
20 speaker had looked at this for you and told you
21 this was an accurate translation, you can't help

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1 of the documents that were released by the
2 Israeli Government, did you have anyone do an
3 independent translation of those documents?

4 A. I did not pay someone to do a
5 professional translation of any of these and
6 write it down as such.

7 Q. For any of the documents released by
8 the Israeli Government that you refer to in this
9 report in this case, did you have an independent
10 translator look at the Israeli Government
11 translation to verify it?

12 A. I don't know what you mean by
13 independent translator. But, again, I would seek
14 someone out in my office who speaks Arabic and
15 have them look at it and verify for me that it is
16 or isn't an accurate translation.

17 Q. Sir, can you tell me today of a
18 particular document you cited in your report that
19 was released by the Israeli Government for which
20 you did have an Arabic speaker review the
21 translation for accuracy?

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1 me find such a person, right?

2 A. Not only can I not help you find such
3 a person, I can't tell you if it actually
4 happened, as I've already said to you.

5 Q. Okay. So you don't regard it as
6 necessary to have an independent translation of
7 these documents; is that correct?

8 A. In my experience, the translations are
9 generally accurate. But, again, I do often of
10 them translated, not the whole document, but if
11 I'm looking at a piece.

12 Q. Now, you say in your experience
13 they're generally accurate. What experience
14 makes you think these are generally accurate?

15 A. Like I said, I often will have people
16 take a look at a document that comes to me, well,
17 certainly if it's only in a foreign language, but
18 if it comes with translation, to make sure the
19 translation isn't off. I can't tell you that
20 that was the case with this specific document.

21 Q. Let's try it this way then: For any

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1 A. No, I don't keep records of, you know,
2 when I walk down the hall and ask a colleague to
3 eyeball something for me.

4 Q. Can you tell me the name of any
5 colleague that you used for the purpose you've
6 describe of verifying the accuracy of the
7 translations provided by the IDF/MI?

8 A. No.

9 Q. So there's no way for me to verify
10 your assertion that someone may have checked
11 these translations for you, right?

12 A. Again, I haven't asserted that someone
13 checked all these translations for me, but --

14 Q. Okay. Your testimony is you may have
15 just relied on this, without having someone check
16 it, or you may have had someone check it, right?

17 A. My testimony is that I don't recall
18 each and every document from something that came
19 out years ago -- what was this, 2002 when I was
20 originally working on this -- and to tell you who
21 and when and on what date I had looked at these

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1 things. I can tell you that I often do this. I
 2 can't tell you what happened 13 years ago.
 3 Q. Okay. All right. For this document,
 4 sir, you were obviously not present when the
 5 Arabic document was created, right?
 6 A. Correct.
 7 Q. And that's true for all of the release
 8 documents that you cite in the report, right?
 9 A. Correct.
 10 Q. And you were also obviously not
 11 present when this document came into the
 12 possession of the IDF, right?
 13 A. Correct.
 14 Q. And that's true, again, for all of the
 15 release documents that you cite?
 16 A. Correct.
 17 Q. And it's also true, sir, that you have
 18 no firsthand knowledge of who may have received
 19 this document other than the IDF, right?
 20 MR. HORTON: Just to be clear, when
 21 you say, "This document," you're referring to the

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1 whole report or to the Arabic letter?
 2 MR. HILL: I'll clarify that.
 3 Q. The particular document that we're
 4 discussing now, the September 2001 letter, sir,
 5 you have no firsthand knowledge of who may have
 6 received this document other than the IDF, right?
 7 A. I'm not sure I fully understand the
 8 question, but, no, I don't know if anybody other
 9 than the IDF ever got their hands on this
 10 document until they made public obviously.
 11 Q. And then when it became public, that's
 12 when you got to see it, right?
 13 A. Generally, though as I stated
 14 yesterday, there were some instances where I was
 15 shown some of these before they went up on the
 16 Internet.
 17 Q. Okay. Now, when you were shown things
 18 before they went up on the Internet, did you see
 19 anything that was not ultimately posted on the
 20 Internet?
 21 A. Very likely.

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1 Q. You did? So you believe you've seen
 2 some materials the IDF seized that are not
 3 publicly available?
 4 A. I believe not all the material that
 5 they had shown me during one of my research
 6 trips, did they ultimately put on the Internet.
 7 They didn't give these to me. I don't have them,
 8 didn't rely on them.
 9 Q. Were any of these materials that you
 10 were allowed to see that are not publicly
 11 available from the IDF about the relationship
 12 between the AAMB and Fatah?
 13 A. I don't recall. And it wasn't kind of
 14 an opportunity for me to have a detailed look at
 15 the documents they were showing, as they were to
 16 many generalists and scholars. A reporter from
 17 The New York Times went and went and toured their
 18 facility and others as well and wrote about it at
 19 the time. They were agreeing to request by
 20 reporters and academics, including myself, to see
 21 some of the documents to be able to try and make

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1 an assessment of what was going on and how
 2 reliable they were, this was in the early days
 3 when they first started doing this, so that they,
 4 in my case I, could come back here and speak to
 5 officials here and get a sense of is this, as you
 6 put it earlier, spin, or are these actually
 7 documents that are authentic?
 8 Q. Now, when were you shown these
 9 documents that you've described as being -- that
 10 you and others were allowed to see but were not
 11 ultimately released? What year and date, to the
 12 best of your recollection?
 13 A. I don't have a date, and I can't even
 14 give you an exact year.
 15 Q. Let's try it this way: Was it while
 16 you were working for the FBI or after you left?
 17 A. No, no, let's be clear. Nothing we
 18 are discussing here, nothing that has anything to
 19 do with this report has anything to do with my
 20 time at the FBI or my time at Treasury, period.
 21 Q. So when did you leave the FBI?

11 (Pages 267 to 270)

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1 A. I left the FBI in November 2001.

2 Q. So it was clearly after that date?

3 A. Yes.

4 Q. So with that as maybe a fixed point,
5 what's your best estimate of when you went and
6 saw these documents that the rest of the public
7 hasn't seen?

8 A. That was November 2001. I didn't
9 immediately go on a trip to Israel. The earliest
10 would have been 2002. I'm not sure I went then,
11 but the earliest would have been 2002. And the
12 latest would have been -- this was before I went
13 back to Treasury, which was 2005.

14 Q. So who other than yourself was in this
15 group that were allowed to see documents by the
16 IDF that were not publicly released?

17 A. This was not a group. I went on my
18 lonesome.

19 Q. You went by yourself?

20 A. Correct. After, I think it was -- I
21 don't remember who it was, but someone from The

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1 an opportunity for them to show, you know, the
2 kind of -- the scale and scope of the documents
3 they seized and kind of, you know, how they were
4 trying to process it, and so they kind of put
5 things out on the table and I probably didn't,
6 you know, get to read very much, but.

7 Q. Did you get to read some things?

8 A. You got to scan some things. You got
9 to, you know, glance through some things. A lot
10 of them, especially in those early years, were
11 less text, exception of seized documents, and a
12 lot more of images, posters of suicide bombers or
13 martyrs.

14 Q. Did you see translations of these
15 materials that had been prepared by IDF/MI?

16 A. I don't recall.

17 Q. So are you saying you just saw Arabic
18 stuff that you couldn't understand?

19 A. What stuff was in Arabic, they
20 probably translated. Other stuff, you know, like
21 I said it wasn't sitting down and taking notes on

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1 New York Times had gone. I think it was someone
2 from Wall Street Journal had gone. That's how I
3 got the idea that maybe if I put in a request,
4 they'd say yes.

5 Q. Do you know the names of the reporters
6 from the two newspapers you've mentioned that got
7 to see this stuff?

8 A. Not offhand, but that should be
9 Googleable. They came back and wrote articles
10 about it.

11 Q. Apart from those two reporters and
12 yourself, can you give me the name of any other
13 person that has seen the materials you've
14 described as you seeing but not being publicly
15 released?

16 A. The answer's no. I know there were a
17 whole bunch of people who did this, A. And, B, I
18 don't know that we all saw the same materials.
19 As I was saying earlier, this was not an
20 opportunity to sit down with a pile of documents
21 and kind of go through them in detail. This was

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1 a poster. The poster largely speaks for itself,
2 often with pictures of individuals I was familiar
3 with at the time from studying these things and
4 the emblems of groups I'm familiar with. And
5 they're mostly telling -- these are examples of
6 things that we picked up in the city or that city
7 or --

8 Q. What were the names of the people that
9 were showing you this material?

10 A. I don't recall. I've never met them
11 before. Some random person who was assigned.

12 Q. And where did you go to view this
13 material?

14 A. So I first went to the Israeli
15 Military Headquarters in Tel-Aviv. I actually
16 remember the name of one guy. The person who was
17 kind of overseeing it at the time was a guy --
18 and I'll spell it for you, Reuven, R-E-U-V-E-N,
19 Ehrlich, I think that's E-H-R-L-I-C-H, or
20 thereabouts, who was, I think, a retired or
21 reserve or whatever officer, who because of his

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1 English, and I think he had some academic
2 pedigree of some sort, was brought in to kind of
3 be the one to oversee this, kind of give it some
4 academic flavor to it.

5 And then they had set up -- well, at
6 that point they hadn't yet set up this facility
7 that became known as the Center for Special
8 Studies, CSS, and later took on another name. I
9 think it went by ITIC. I don't remember what
10 that stands for.

11 Q. But you've only been on the one
12 occasion, right?

13 A. Twice.

14 Q. So there was another trip where you
15 saw documents from the IDF?

16 A. I don't know if I saw documents, but
17 I'll tell you about it if you want.

18 Q. Well, I mean that's the issue, is did
19 you see documents from the IDF that purported to
20 be seized documents other than on the one
21 occasion when you went to Military Headquarters?

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1 A. Well, certainly whenever they made
2 them public. I didn't --

3 Q. Apart from that.

4 A. On this first trip, if it's okay,
5 because you asked, I went to the Military
6 Headquarters, and then there's a base, whose name
7 I have no recollection of, just outside Tel-Aviv
8 where they had a warehouse with the documents.
9 You have to peek in the warehouse and --

10 Q. While you were at the warehouse, did
11 you actually look at any documents or just --

12 A. No.

13 Q. -- boxes? So when you were at
14 Military Headquarters, were any of the documents
15 that you were shown by the IDF related to whether
16 the PA or PLO supported terrorism during the
17 Second Intifada?

18 A. I don't recall.

19 Q. All right. We talked earlier about
20 how you don't have any firsthand knowledge of
21 whether this particular September 2001 document

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1 was ever received buy anyone other than the IDF.
2 That's also the case for all the documents you
3 cite that the IDF released, right?

4 A. Correct.

5 Q. Now, if you'll look at Exhibit 195,
6 the IDF/MI report, on Page 19 of the report,
7 which purports to be the original Arabic
8 document, you'll notice that the first line is
9 cut off, right?

10 A. Correct.

11 Q. And you don't have any idea what is
12 written on that first line, right?

13 A. No.

14 Q. And you don't know who cut that first
15 line off, do you?

16 A. No. Or even if it's only cut off in
17 this version. I don't know.

18 Q. What have you done to verify the facts
19 that are asserted in this Arabic document?

20 A. We've covered that. I've asked
21 people -- again, and I can't say this specific

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1 document, but I often ask people for the general
2 gist of things. If this is the copy that I was
3 looking at at the time and it was cut off, and if
4 that sentence was something that was of interest,
5 or certainly if it was something I'm relying on,
6 then that would be a problem.

7 Q. Would it be a problem if that sentence
8 refers to the PA?

9 A. Not if -- not necessarily.

10 Q. Well, it could be a problem, right,
11 because you don't know what it says about the PA?

12 A. Well, often you can tell by context if
13 a few words are missing, and --

14 Q. How can you tell by context, sir?

15 A. Well, if a document is talking about
16 how, you know, the PA is involved in humanitarian
17 work and then there's a sentence missing and it's
18 continuing talking about the PA involved with
19 humanitarian work, you can surmise that the
20 middle sentence or middle few words are probably
21 a continuation of what was and continued to be

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1 discussed.

2 Q. Did you make any surmise about what
3 the missing text in this instance said?

4 A. I don't recall that at all. I don't
5 recall the specifics of this document.

6 Q. You said we talked about this before
7 in terms of what you did to verify it. Do you
8 mean by that that you have spoken to people about
9 this document but you don't know who or when or
10 where?

11 A. I did speak to people about specific
12 documents and don't recall and did not keep
13 records of which documents. But more to the --
14 more frequently, and more to the point, was
15 talking to people in more general terms about
16 whether the confiscated documents, plural, and
17 not any one particular document, were considered
18 by the U.S. Government or other governments as
19 being authentic.

20 Q. I want to return to that point, but
21 let's just make sure the record is clear on this.

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1 Today, you cannot tell me of anything you did
2 to verify the facts contained in what you
3 describe as the September 2001 letter on Page 10
4 of your report, right?

5 MR. HORTON: Object to form.

6 A. Right. I can't tell you what I did to
7 verify the letter that's in front of us dated
8 September 2001.

9 Q. Look, if you will, on the IDF/MI
10 translation of the document, which is on Page 15
11 of Exhibit 195.

12 The second paragraph on that page,
13 sir. Page 15.

14 A. Yes.

15 Q. It says, "We in the Fatah movement in
16 Jenin RC receive nothing that could be called a
17 working budget in comparison to the other
18 factions." Do you see that?

19 A. I do.

20 Q. And you did not include that
21 particular quote in your report, did you?

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1 A. I don't think so. I'd have to review
2 the report to tell you specifically, but I'll
3 take your word for it.

4 Q. If you look down to the next
5 paragraph, the sixth line from the bottom says,
6 "All the arms at Fatah's disposal are private
7 property, obtained by getting into debt or by the
8 participation of several brothers together in
9 purchasing one rifle. There are even those who
10 sold their wives' gold to buy arms. Most of the
11 activity that we carry out, whether inside
12 outside the RC, is (financed) by means of debt
13 that are piling up on our shoulders." Do you see
14 that?

15 A. Yes.

16 Q. You also do not quote those particular
17 sentences in your report, right?

18 A. Correct.

19 Q. Now, the parenthetical information
20 there, the word "financed," do you know whether
21 that was in the original Arabic document?

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1 A. No.

2 Q. So you don't know whether that's
3 something that's been added by the IDF/MI
4 translator?

5 A. No. It might have been something I
6 checked at the time, but there's no way for me to
7 recall now.

8 Q. You agree with me, sir, that there's
9 no indication in the translation that the IDF/MI
10 has provided that any money was paid in response
11 to this document, right?

12 A. Correct.

13 Q. All right. And the document itself
14 does not identify who authored the document,
15 right?

16 A. Correct.

17 Q. And you have obviously not spoken to
18 the author of the document about this document,
19 right?

20 A. That would have been hard.

21 Q. And it's addressed to Mr. Barghouti.

14 (Pages 279 to 282)

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1 You have not spoken to Mr. Barghouti about it,
2 have you?

3 A. No.

4 Q. In fact, you have no idea whether Mr.
5 Barghouti ever received this document, right?

6 A. I've never had the opportunity to ask
7 him about it, but, again, I did spend time
8 talking to officials about whether the consensus
9 was that these were authentic documents, and I
10 guess the answer is ultimately no. It could be
11 an authentic document and I guess maybe it didn't
12 get to him.

13 Q. So sitting here today, you have no
14 idea whether or not Mr. Barghouti ever actually
15 laid eyes on this particular document, do you?

16 A. Again, there's no way for me to keep
17 this all at my finger tips. I can't remember if
18 this report explains where and when it was found.
19 If it was found in his home or someplace he
20 works, then it's more than likely. If it was
21 found some random place, then it's harder to say,

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1 in putting forward what is probably their honest
2 perspective on something, but they're party to a
3 conflict.

4 Q. So the bottom line, sir, is that you
5 have taken this translation provided by the
6 IDF/MI and you have relied on the facts that are
7 asserted in this translation as if they were
8 true, right?

9 A. By and large.

10 Q. Have you done anything to verify the
11 truth of what you've relied on from this
12 translation of this document?

13 A. Beyond what we've already discussed,
14 and specific to this document, I don't think so.
15 It is possible. Again, as I said earlier -- I
16 feel like we're going a little bit in circles --
17 I did sometimes sit down with people with
18 specific documents. I don't know which. Might
19 have been some of these, might have been
20 something totally different, might not have had
21 anything to do with anything related to this

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1 but.

2 Q. Okay. And just to discuss that for a
3 moment: Are you suggesting that you would take
4 the IDF/MI's word on where it found the document?

5 A. Again, as a matter of course, you
6 don't take anybody's word for, you know, foreign
7 government, if you're talking about partisan
8 politics here, a particular party as opposed to
9 another. And certain details are ultimately not
10 going to be verifiable to the finest point.

11 But what you can do is try and get a
12 sense of whether or not others, whether it's
13 academics or government officials, have reason to
14 believe that the documentation is authentic.

15 And, of course, the IDF is a part of
16 the Israeli Government. It is a sovereign
17 government. It is a close ally of the United
18 States. It's not the case that it is going to
19 make up everything under the sun by any stretch
20 of the imagination. And, yet, the IDF is the
21 Israel defense forces, and they have an interest

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1 case.

2 There were documents that had nothing
3 to do with al-Aqsa or Fatah, or stuff like that.
4 Hamas, for example. But I also did spend time
5 trying to get a sense of the overall sense of the
6 authenticity of the documents.

7 Q. And just for the record, that's true
8 for all of these documents that you're citing
9 here, right? You cannot recollect a single
10 instance where you took a single one of the
11 documents you cite to someone and talk to them
12 about whether what was in it was true, right?

13 A. That's right.

14 Q. On Page 10, at the bottom of the
15 page --

16 A. Of which document?

17 Q. Of your report.

18 A. My report. Okay.

19 Q. You also reference what you call a
20 2001: "Comprehensive Report on the Al Aqsa
21 Martyrs Brigade (in the Jenin Province)"

15 (Pages 283 to 286)

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1 submitted to Fatah Secretary Marwan Barghouti.
 2 Do you see that, sir?
 3 A. I do.
 4 Q. And in Footnote 18, you are again
 5 citing this same Military Intelligence report
 6 which we've previously marked as Exhibit Number
 7 195, right?
 8 A. No.
 9 Q. You're not?
 10 A. No. 18 is a different one if you look
 11 at the bottom of Page 10. We were just in a
 12 report on Jenin, right? 195 is Jenin. And
 13 Footnote 18 is something called the Al Aqsa
 14 Martyrs Brigade's (on U.S. State Department list
 15 of terror organizations), et cetera. Correct?
 16 Unless I'm misunderstanding.
 17 Q. No, you're correct.
 18 Look if you would, sir, at Page 20 of
 19 Exhibit 195. And there's what purports to be a
 20 translation on Pages 21 to 22, and the question
 21 for you is: Is this the document that you're

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1 Q. Okay.
 2 A. One second, if I may.
 3 Q. Sure.
 4 (Witness Reviews Document.)
 5 A. Okay. So if you look at the last page
 6 of what we've marked 196, there's a list of
 7 appendices, and it looks like Document 8 is the
 8 same document as the one that you've shown me in
 9 what is 195. The document isn't included in what
 10 you handed me. It would have been included in
 11 the full version, as it is in the full version of
 12 195, but it appears that this document was in two
 13 different places.
 14 Q. Well, let's look at 195 since it
 15 appears to have the translation of the actual
 16 document.
 17 Now, you'll agree with me that the
 18 Arabic which is located on Pages 23 and 24 is
 19 only two pages long, right?
 20 A. That's right.
 21 Q. But the translation, which is Pages

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1 referring to on Page 10 in the last paragraph
 2 there?
 3 A. Do you have a copy of this other
 4 report?
 5 Q. I do. I'll mark it for you.
 6 A. Because either this report is included
 7 in both these documents, and maybe I referred to
 8 that one, or maybe it's just in this one and I
 9 have an error in my footnote, but I need to see
 10 to be able to -- but it does appear to be at
 11 least a version of the document.
 12 (Defendant's Deposition Exhibit Number
 13 196 was marked for identification.)
 14 BY MR. HILL:
 15 Q. So we've shown you what's been marked
 16 as Exhibit Number 196. Is this, in fact, the
 17 report that is referenced in Footnote 18 of your
 18 report?
 19 A. This is part of it, but it doesn't
 20 include any of the appendices which are the
 21 original documents.

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1 20, 21 and 22, is three pages?
 2 A. Correct.
 3 Q. Does it appear to you that a page is
 4 missing from this report of the original
 5 document?
 6 A. It's possible. Again, I don't know
 7 that it was missing in the one that I actually
 8 used, which appears to have been the other
 9 report.
 10 Q. For the record, we had asked
 11 plaintiffs' counsel to provide the material you
 12 relied on, and I got Exhibit 196, which does not
 13 include the appendices, so that may have been
 14 some goof by somebody here. But while we're
 15 here, let's talk about this document.
 16 You agree with me that this document
 17 does not identify who its author is, right?
 18 A. On Page 22, it does not. There's no
 19 signature.
 20 Q. And then on Page 21, which is the
 21 IDF/MI's translation, the third full paragraph

16 (Pages 287 to 290)

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1 after the bullet says, "At the same time, to this
2 day there is no budget (for us) for all this
3 activity." Do you see that?

4 A. Correct.

5 Q. And you did not include that quote in
6 your report, did you?

7 A. I don't think so. Again, I'll take
8 your word for it.

9 Q. And you don't know whether the
10 insertion of "for us" in the parens is an
11 insertion by the translator or whether that's in
12 the original Arabic, right?

13 A. My assumption is that it's the
14 translator. That's usually the way this is done.
15 In the United States, we usually use a square
16 bracket.

17 Q. The final sentence of that paragraph
18 says, "All the expenses of this activity were
19 paid from their own pocket" --

20 A. I'm sorry, you lost me.

21 Q. On the third paragraph, last sentence

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1 I'll take your word for it just so we can save
2 some time.

3 Q. Which is for the record.

4 A. This is in the period where they're
5 making a case for Fatah to arm Al Aqsa, which
6 until this time has been paying for its own way.
7 Or, as I think we talked a little bit yesterday,
8 has had offers from other militant organizations
9 to fund activities, and Fatah is concerned that
10 if it doesn't start funding, they'll go that way.
11 They'll leave their group.

12 Q. Right. And do you know whether this
13 coincided with a cease-fire?

14 A. Not offhand, no.

15 Q. There's no indication that the author
16 of this document has received any money in the
17 past, is there?

18 A. No.

19 Q. And there's no indication that the
20 author of this document received any money as a
21 result of this request?

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1 on the third paragraph on 21 says, "All the
2 expenses of this activity were paid from their
3 own pocket (of Al Aqsa Brigades men)." Do you
4 see that?

5 A. I do.

6 Q. And, again, you did not include that
7 sentence in your report, right?

8 A. Correct.

9 Q. And the insertion of Al Aqsa Brigades
10 men is something that's been added by the IDF/MI
11 translator, correct?

12 A. That's what I think.

13 Q. It says at the very bottom of the page
14 that -- the last sentence says, "(It is
15 noteworthy that) there are various moves of
16 elements that oppose us (ready) to invest this
17 money." Do you see that?

18 A. I do.

19 Q. And you did not include that sentence
20 in your report either, did you, sir?

21 A. I don't know. If you're saying no,

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1 A. All we have here is the request.

2 Q. And you've not spoken to the author of
3 the document?

4 A. I have not spoken to the unknown
5 author.

6 Q. And you've not spoken to Mr. Barghouti
7 about the document?

8 A. No.

9 Q. And you have no idea if Mr. Barghouti,
10 in fact, received the document?

11 A. Correct.

12 Q. Turn, if you will, to Page 12 of your
13 report.

14 A. Page 12.

15 Q. In the first paragraph, you say, in
16 the second sentence, "For example, Israel's
17 Public Security Ministry announced that among the
18 over 100,000 documents seized from the PA's East
19 Jerusalem headquarters, Orient House,
20 investigators found documents showing the PA
21 transferred funds to Fatah, the Tanzim, (another

17 (Pages 291 to 294)

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1 militant wing of Arafat's Fatah), and its
2 affiliated fighters. The documents - many of
3 which were printed on 'AL-AQSA Martyrs Troops'
4 letterhead - include a July 9th, 2002, letter
5 signed by Arafat sent to Kamil Hmeid, a Fatah
6 leader in Bethlehem." Do you see that, sir?

7 A. Yes.

8 Q. Okay. And you are citing there
9 another one of these IDF reports, correct?

10 A. So it's really two. There's Footnote
11 28 and 29.

12 Q. All right. 28 cites to an IDF report,
13 right?

14 A. Right. And it's a "for example." I
15 think -- we'd have to look, but I think it's
16 trying to show an example of the Al Aqsa Martyrs
17 Troops' letterhead.

18 Q. And 29 refers to an Associated Press
19 article, right?

20 A. Correct.

21 MR. HILL: Mark that.

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1 interrupt. There's a subhead on the one you
2 provided, "Israel: Arafat Payed Militant."

3 So the AP is the source, and AP does
4 sometimes change their titles. The likelihood is
5 it's probably the same document, but we should go
6 through it.

7 Q. You have never interviewed Mr. Hmeid
8 about this July 9th, 2002 document, have you?

9 A. No.

10 Q. And you've also never interviewed
11 President Arafat, right?

12 A. No.

13 Q. Have you ever interviewed the author
14 of this AP article?

15 A. No.

16 Q. At the bottom of the first page of the
17 AP article, the second from last paragraph says,
18 "'The money we receive is used for political and
19 social activities only,' Hmeid said. Israeli
20 claims that money supports militant activities
21 are propaganda, he added. Do you see that?"

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1 (Defendant's Deposition Exhibit Number
2 197 was marked for identification.)

3 BY MR. HILL:

4 Q. I'm showing you what we've marked as
5 Exhibit Number 197. This is the Associated Press
6 article that you're referring to in Footnote 29,
7 right?

8 A. Is it?

9 Q. That's the question for you, sir.

10 A. Well, it's a different title.
11 Sometimes they change titles and at the end will
12 say this previously appeared in a different
13 title. It's the right date, but it's a slightly
14 different title.

15 The title which you gave me is,
16 "Arafat Payed Militant," and what I have is
17 "Israel: Document Shows Arafat Paying Militant
18 Wanted by Israel."

19 Q. So you're not sure if this is the same
20 thing or not?

21 A. Hold on one second. I'm sorry to

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1 A. I do.

2 Q. You did not reference that quote in
3 your report, right?

4 A. Correct.

5 Q. Now, this AP report that you cite in
6 Footnote 29 regarding this July 2002 document,
7 the AP report is dated March 2002, right?

8 A. Correct.

9 Q. So when your report is referencing
10 this July 9th, 2002 letter signed by Arafat, that
11 is a mistake, right?

12 A. Yes.

13 Q. Turn to Page 16 in your report. In
14 the second paragraph on Page 16 of your report --

15 A. The first full one?

16 Q. Yeah, the first full paragraph there.
17 The third sentence says, "A July 2001 letter from
18 Kamal Hamid, H-A-M-I-D, Fatah's Bethlehem
19 secretary, to 'The Honorable Brother President
20 Arafat, May God protect you with blessings of the
21 homeland,' requests individual payments of \$2,000

18 (Pages 295 to 298)

Page 299

1 for 24 Fatah members. Arafat's signature dated
2 August 12th, 2001 authorizes the payment of '\$300
3 to each one' of the 24 individuals." Do you see
4 that, sir?

5 A. I do. It's a tongue twister.

6 Q. And is this the same Mr. Hamid that we
7 were talking about earlier?

8 A. It would be.

9 Q. Is that right? Now, your report
10 indicates that President Arafat signed this
11 document on August 12th, 2001, right?

12 A. Yes.

13 Q. Have you ever seen President Arafat
14 sign anything?

15 A. No.

16 Q. Do you, in fact, know if that is his
17 signature?

18 A. Actually, I think at the time I --
19 there was a discussion about this, and there were
20 a lot of people who verified his signature. I
21 could not have done that myself, but that was a

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1 Q. The preceding sentence on Page 16
2 says, "Several documents seized in Operation
3 Defensive Shield, many of which bear Arafat's
4 signature, grant funding requests for the
5 families of suicide bombers and members of the
6 terrorist groups." Do you see that?

7 A. I do.

8 Q. Now, was this document that we're
9 talking about, the Hamid letter, seized in
10 Operation Defensive Shield?

11 A. I believe so. I don't remember
12 offhand.

13 Q. When did Operation Defensive Shield
14 take place?

15 A. Defensive Shield took place, I think
16 it was 2004. It's probably in the report
17 somewhere. I apologize. I don't remember
18 offhand.

19 Q. Okay. You would agree with me, in any
20 event, that Operation Defensive Shield took place
21 after July or August of 2001, right?

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1 topic of kind of journalistic and scholarly
2 discussion at the time.

3 Q. Okay. Can you give me the name of
4 anyone who verified that this signature was, in
5 fact, the signature of President Arafat?

6 A. I can't. It's also probably one of
7 those things, but I also honestly can't tell you
8 specifically that it was. It was a topic of
9 discussion with Government officials when I would
10 try more generally to authenticate these types of
11 documents who did have Arafat's signature.

12 Q. And, again, you can't tell me the name
13 of any person who has told you that this is, in
14 fact, Arafat's signature on this document?

15 A. No. I honestly can't tell you -- I
16 know that I and others discussed this at the
17 time. There are places where his signature's
18 public. And Oslo Accords and other things are
19 places you can compare it to. But, ultimately,
20 this is not a forensic, you know, signature
21 analysis.

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1 A. Yes.

2 MR. HILL: Let us mark this as our
3 next exhibit, please.

4 (Defendant's Deposition Exhibit Number
5 198 was marked for identification.)

6 BY MR. HILL:

7 Q. Sir, we've just marked Exhibit Number
8 198. This is another one of these IDF/MI
9 reports, right?

10 A. Yes.

11 Q. Turn, if you will, to Page 8 of this
12 document, Exhibit Number 198. That page
13 indicates that it's the copy of an original
14 document. Is this the document you're referring
15 to, the July 2001 letter on Page 16 of your
16 report?

17 A. I believe so.

18 MR. HORTON: Just so the record is
19 clear: We're referring to the page that appears
20 between 7 and 9. I don't see a Page Number 8 on
21 it. Is that correct?

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1 MR. HILL: Agreed.

2 Q. Now, there is what appears to be a
3 translation, or purports to be a translation of
4 this document on Page 6 and 7 of Exhibit 198,
5 right?

6 A. Correct.

7 Q. And it is, in fact, that translation
8 that you're relying on, right?

9 A. Correct.

10 Q. And you would agree with me that there
11 is nothing in this document that says what the
12 requested payments are for, correct?

13 A. Correct.

14 Q. And you would agree with me that
15 nothing in this document contradicts what Mr.
16 Hamid was quoted in the AP article as saying
17 these payments were for, namely, political and
18 social activities, right?

19 A. There's nothing that says that one way
20 or the other.

21 Q. So nothing contradicts Mr. Hamid's

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1 Press.

2 And since this document that we're
3 looking at now doesn't say one way or the other,
4 all we know is that Kamal Hamid said to the
5 Associated Press that the moneys he's asking for
6 are for social purposes. And then we see
7 evidence that he did, in fact, ask for sums of
8 money for people, some of whom are people who are
9 involved in militant activity, and it doesn't say
10 if it was for that militant activity, or if it
11 was for social activity.

12 Q. But you regard this document as
13 evidence that the PA provided funds for
14 terrorism, right?

15 A. This is evidence that the PA provided
16 funds to individuals who are engaged in
17 terrorism.

18 Q. But the document, you agree with me
19 there's no indication of why that money was
20 provided?

21 A. So you're familiar, of course, with

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1 statement that's quoted in the AP, right?

2 A. Neither confirms nor contradicts.

3 Q. And Mr. Hamid, who is quoted in the
4 AP, is the same individual who purportedly wrote
5 this document dated July 2001, right?

6 A. Yes.

7 Q. This is an instance where we actually
8 know what the author says about what he meant,
9 right?

10 A. No.

11 Q. We do not. Why not?

12 A. Because they're in two different
13 places, so we don't know that this document that
14 we're looking at now is part of that social
15 thing, or if this is something else.

16 As we discussed yesterday, it doesn't
17 surprise when someone says to the press, "I'm
18 engaged in legitimate activity." May well have
19 been. But it also is possible that someone was
20 engaged in illegitimate activity and just was
21 smart enough not to say so to the Associated

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1 the Material Support Statute, for example, in the
2 United States, where we, like many countries, and
3 presumably the Israelis, too, don't need to
4 demonstrate that if you give material support to
5 someone who's engaged in terrorism, that that is
6 given for -- as if good peace purposes or bad
7 purposes, you're giving money to people who
8 engage in terrorism. That's a problem.

9 Q. I appreciate the answer, Dr. Levitt.
10 It wasn't responsive to my question.

11 A. I thought it was.

12 Q. There's nothing in the document itself
13 that indicates the money was given for terrorism,
14 right?

15 A. There's nothing that indicates that it
16 was or was not. It indicates that money was
17 given to individuals who at the time were engaged
18 in terrorism.

19 Q. Now, your report says both that this
20 document was seized in Operation Defensive Shield
21 and at the Orient House in East Jerusalem, right?

20 (Pages 303 to 306)

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1 A. You'll have to show me. I don't know.
 2 Q. Well, on Page 12, the first paragraph,
 3 you discuss this document as being seized at the
 4 Orient House in East Jerusalem, right?
 5 (Witness Reviews Document.)
 6 A. Correct.
 7 Q. And then on Page 16, you discuss this
 8 document as being seized in Operation Defensive
 9 Shield, right?
 10 A. On page what?
 11 Q. 16.
 12 A. 16?
 13 (Witness Reviews Document.)
 14 A. Correct.
 15 Q. And we've agreed that it couldn't have
 16 been seized in Operation Defensive Shield because
 17 that happened after the date of the letter,
 18 right?
 19 MR. HORTON: Objection.
 20 A. No, you're misunderstanding. There's
 21 no contradiction at all because the raids

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1 happened after the date of the letter, not the
 2 other way around. Had the letter been dated
 3 after the raid, it would have not been something
 4 they could have seized, but this was something
 5 that was penned what appears to be maybe three
 6 years earlier or thereabouts, so there were lots
 7 of, you might call this more historical or older
 8 documentation that was found during the raids
 9 later on that presumably were in files or
 10 something.
 11 Q. Do you know when the Orient House was
 12 taken over by the Israeli Government?
 13 A. Not offhand. It may be in the report.
 14 If not, it's something that's public information.
 15 Q. Assume for these purposes that it was
 16 August 10th, 2001.
 17 A. Okay.
 18 Q. Assuming that to be true, you would
 19 agree, then, that your statement on Page 10 that
 20 this was seized from the Orient House, has to be
 21 incorrect, right?

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1 A. If, in fact, that's the case, then
 2 yes.
 3 Q. Or an alternative explanation is that
 4 what purports to be Arafat's signature dated
 5 August 12th was added after the seizure, right?
 6 A. What reports to be Arafat's signature
 7 dated August 12th -- I'm sorry. Give me the date
 8 again of what you're telling me was the date of
 9 the Orient House?
 10 Q. Let's try it this way: You would
 11 agree with me that if this is an authentic copy
 12 of Arafat's signature, he would have signed it
 13 before the Orient House was seized if the
 14 document was seized at Orient House, right?
 15 A. Correct.
 16 Q. Okay. So assuming Orient House was
 17 taken over on August 10th, and assuming this
 18 document came from the Orient House, that would
 19 mean Arafat's signature was added after the
 20 document was seized, right?
 21 MR. HORTON: Object to the form.

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1 A. Correct.
 2 Q. And you don't have any idea if that's,
 3 in fact, what happened?
 4 A. I don't know if that's what happened
 5 or if there's an error in my report, if it wasn't
 6 seized at Orient House and I confused the
 7 documents.
 8 Q. Okay. Look, if you will, again at
 9 Exhibit Number 197.
 10 A. Okay.
 11 Q. The sixth paragraph says, "Israeli
 12 authorities have been pouring over some 100,000
 13 documents seized from Orient House and a
 14 neighboring building since they shut down the
 15 semi-official Palestinian office in East
 16 Jerusalem last August." Do you see that?
 17 A. Yes.
 18 Q. Skip down two paragraphs. "A document
 19 recently uncovered by the ministry and given to
 20 the Associated Press shows Arafat's signature on
 21 a July 9th letter opposing a \$300 payment to Atef

21 (Pages 307 to 310)

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1 Abayat, a leader of the Al Aqsa Brigades militia
2 in the West Bank town of Bethlehem." Do you see
3 that, sir?

4 A. I do.

5 Q. That's the same letter that we're
6 looking in Exhibit Number 198, isn't it?

7 A. Right. So this report isn't written
8 so well, and I should have done it more
9 carefully, but so they're talking about stuff
10 seized from Orient House, and then the paragraph
11 before the one you read, "Some documents show,"
12 blah, blah, blah, and then the paragraph you just
13 read, "A document recently uncovered by the
14 ministry," actually doesn't say if it was
15 uncovered by the ministry at Orient House or
16 elsewhere, so I should have been more specific
17 about that in the way I wrote it in my report.

18 Q. So not only does this document not say
19 what the money is for, you have no idea where it
20 came from, right?

21 A. Correct.

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1 Q. You have no idea if Arafat's signature
2 was added after it was seized by the IDF?

3 A. Well, that's not possible, is it,
4 because Arafat wasn't in their custody, so --

5 Q. It's possible if somebody faked
6 Arafat's signature, isn't it?

7 A. I suppose, but that was not -- that's
8 never been -- I've never seen that claimed. I
9 don't know that to be the case.

10 Q. On Page 16 of your report, you also
11 describe in the last paragraph, you say,
12 "Included in an IDF report of the documents
13 captured in Defensive Shield is a table
14 summarizing the 'Financing of Fatah/Tanzim and Al
15 Aqsa Brigades Infrastructures and Activities by
16 Arafat and his Aides.' The table lists seven
17 distinct funding requests, five of which were
18 approved by Arafat; Arafat's senior aid and the
19 PA's General Security Apparatus financial head
20 Fuad Shubaki, oversaw the remaining two." Do you
21 see that?

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1 THE WITNESS: Do you need that
2 spelled?

3 THE REPORTER: I will have a copy of
4 that to refer to. Thank you.

5 Q. We're handing you what we've marked as
6 Exhibit Number --

7 MR. HILL: Let's go off the record.

8 (Brief Pause.)

9 BY MR. HILL:

10 Q. Dr. Levitt, you cite Footnote 54 for
11 the propositions that I just read, and the
12 citation is to the document that we've marked as
13 Exhibit Number 198, correct?

14 A. 54, so let's see, that would be an
15 appendix to this. Correct.

16 Q. And if you look at Page 12 of that
17 document, you will see the table that you're
18 referencing, right?

19 A. Yes.

20 Q. And the first document in that table
21 is this July 9th, 2001 letter that we've been

Page 314

1 discussing for the last little bit, right?

2 A. Correct.

3 Q. So your report actually refers to the
4 same letter three different times in three
5 different places, right?

6 A. Correct.

7 Q. And in one instance, it calls it a
8 July 2002 letter, and the other two instances, it
9 calls it a July 2001 letter, right?

10 A. Correct. That appears to be a typo.

11 Q. It's not transparent on the face of
12 your report that you've referred to the same
13 document three times, right?

14 A. Why not?

15 Q. Didn't it just take us a lot of work
16 to figure out that the same thing was cited on
17 three different occasions?

18 A. I don't think it was that much work.
19 I don't think it was being hidden in any way.
20 It's just that it was being referred to on three
21 different source documents. But other than the

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1 fact that there's apparently a typo in the date
2 in one, that does make it more complicated.

3 Q. And, in fact, you spelled Mr. Hamid's
4 name differently on two different occasions,
5 didn't you?

6 A. Correct. There is no proper, accurate
7 English translation, transliteration from the
8 Arabic, and so I tried to stick to the spellings
9 that are in each document, and apparently in the
10 documents they're spelled differently, possibly
11 because there's different translators.

12 MR. HILL: Let's mark this.
13 (Defendant's Deposition Exhibit Number
14 199 was marked for identification.)

15 BY MR. HILL:

16 Q. Dr. Levitt, this July 2001 letter from
17 Mr. Hamid that we've been talking about coincided
18 with a cease-fire declared by President Arafat;
19 did it not?

20 A. I'm sorry, you're going to have to
21 point me to what you're referring to.

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1 Q. As a general matter, the July letter
2 from Hamid to Arafat does coincide with Arafat
3 declaring a cease-fire, right?

4 A. I don't remember the dates. There
5 were several cease-fires.

6 Q. Well, look at this article that we've
7 marked as Exhibit Number 199. This is from
8 Haaretz, right?

9 A. Correct.

10 Q. And it's dated July 18th, 2001, right?

11 A. Correct.

12 Q. And it says in the fifth paragraph
13 down, "Yasser Arafat on Thursday night convened
14 an urgent session of the leader of all the
15 Palestinian political factions, in order to
16 emphasize the importance he places on maintaining
17 the cease fire that he declared Monday, and to
18 make clear his determination to see that the
19 cease fire is enforced." Do you see that?

20 A. I do.

21 Q. Does that refresh your recollection

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1 that in July of 2001, President Arafat had
2 declared a cease-fire?

3 A. Yes.

4 Q. And that date does coincide with the
5 letter from Mr. Hamid to Mr. Arafat, right?

6 A. Almost. The letter is July 9th. This
7 is July 18th. I don't know what day of the week
8 that was, this refers to a Thursday or Monday,
9 but it's probably several days after the letter.

10 Q. But it's roughly in the same time
11 frame as a cease-fire, right?

12 A. Well, I don't know what roughly means.
13 It's either shortly before the cease-fire.
14 That's what it appears to be.

15 Q. And the alleged date of Mr. Arafat's
16 signature is when?

17 A. I'm sorry.

18 Q. It's August 12th, right?

19 A. That sounds right.

20 Q. It's on Page 16 of your report, right?

21 A. Of my report. That's even easier.

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1 I'm sorry. Where are we on Page 16?

2 Q. Page 16, in the first full paragraph,
3 the fourth sentence says, "Arafat's signature
4 dated August 12th, 2001?"

5 A. Yes.

6 Q. So the letter we've been talking about
7 coincides with the declaration of a cease-fire by
8 President Arafat, right?

9 A. The letter predates it. Its
10 consideration, apparently, is over the period of
11 the cease-fire. And the signature, apparently,
12 is either -- I don't know how long the cease-fire
13 went, but it may have come after the cease-fire.

14 Q. Okay. On Page 16, you reference
15 another document between Mr. Hamid and Mr.
16 Arafat, right? And this one's dated November
17 7th, 2001?

18 A. Correct.

19 Q. And look, if you will, at Exhibit
20 Number 198, which I believe also contains this
21 document. Look at Page 9. Is the document that

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1 is translated on Page 9 and 10 the document
2 you're referring to on Page 16 of your report?

3 A. Yes.

4 Q. And the document indicates that Mr.
5 Hamid was requesting aid to the families of
6 people who had been killed, correct?

7 A. Yes.

8 Q. And there's no indication that the
9 money that was requested here was, in fact, paid,
10 right?

11 A. Correct.

12 Q. All right. And there's no indication
13 if that money was paid, what it was used for?

14 A. Correct.

15 Q. Now, it is true during the second
16 Intifada that the Israeli Government assassinated
17 people suspected of terrorism, right?

18 A. Yes, they --

19 Q. On dozens of occasions, right?

20 A. I don't know what the number is.

21 Sometimes people were killed in battles.

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1 Sometimes people were targeted, much like the
2 U.S. does in different corners of the world as
3 well.

4 Q. It's also true that the Israeli
5 defense forces killed a number of Palestinians
6 who were not suspected of terrorism, right?

7 A. I don't know the case for the Israelis
8 intentionally killed someone who was not
9 suspected of terrorism --

10 Q. Well, intentionally or not, thousands
11 of Palestinians were killed by IDF forces during
12 the second Intifada, right?

13 A. I don't know what the numbers are.
14 And I don't know, of those purported thousands,
15 how many of them were innocents, that people were
16 incidentally killed tragically, I'm sure.

17 Q. Regardless of the numbers, there were
18 some Palestinians that were killed by the IDF who
19 were not suspected of being terrorists during the
20 second Intifada, right?

21 A. Possibly. I don't know.

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1 Q. It's also true that the Israeli
2 Government has imprisoned a number of
3 Palestinians who were suspected of terrorism
4 during the second Intifada, right?

5 A. Correct.

6 Q. And it's also true that the Israeli
7 Government has imprisoned a number of
8 Palestinians who were suspected of funding
9 terrorists, right?

10 A. I don't know if I can think of a case
11 where someone was imprisoned solely for
12 financing, which doesn't mean it didn't happened.
13 I'm sure it's a violation of their laws. It is
14 ours.

15 Q. Do you know if Mr. Hamid suffered any
16 repercussions for sending the letters that you've
17 cited in your report?

18 A. I don't know if he suffered
19 repercussions, whether for this letter or
20 anything else he might have done.

21 Q. He wasn't assassinated by the

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1 Israelis, as far as you know?

2 A. I don't recall.

3 Q. He wasn't imprisoned by the Israelis,
4 as far as you know?

5 A. I don't recall.

6 Q. Do you know whether he is, today, the
7 Governor of Hebron?

8 A. Not offhand.

9 MR. HILL: Why don't we break here for
10 lunch.

11 (Thereupon, a luncheon recess was
12 taken at 11:56 p.m.)

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1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N
 2 (1:04 p.m.)
 3 BY MR. HILL:
 4 Q. Dr. Levitt, you understand that you're
 5 still under oath?
 6 A. Yes.
 7 Q. Did you speak with anyone about your
 8 testimony over the lunch break?
 9 A. No. I asked counsel if he and I could
 10 speak about it, and he said he didn't know, so I
 11 did not.
 12 Q. Apart from you asking him if you could
 13 talk to him and him saying he didn't know, there
 14 was no other conversation about your testimony?
 15 A. No.
 16 Q. On Page 12 of your report, which you
 17 should have in front of you.
 18 A. Page 12?
 19 Q. Yes, sir. In the second paragraph,
 20 you in the second sentence say, "For example, a
 21 poster of Majdi Musa Tayb Jaradat features the

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1 logos of both Fatah and the AAMB and reads, "The
 2 National Palestinian Liberation Movement, Fatah,
 3 and its military wing, the 'Al Aqsa Martyrs
 4 Brigades' in Palestine, is extorting its
 5 casualty, the commander on his last trip." Do
 6 you see that, sir?
 7 A. I do.
 8 Q. And you refer in Footnote 30 of your
 9 report to, I believe it is Exhibit Number 198,
 10 the document we previously looked at from the
 11 IDF, right?
 12 (No Response.)
 13 MR. HILL: Let's mark this one.
 14 (Defendant's Deposition Exhibit Number
 15 200 was marked for identification.)
 16 BY MR. HILL:
 17 Q. Dr. Levitt, let me show you what we've
 18 marked as Deposition Exhibit 200, which may, in
 19 fact, be the document referenced in Footnote 30
 20 of your report.
 21 Footnote 30 of your report refers to

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1 Page 9 of Exhibit 200, correct?
 2 A. Page 9 of Exhibit 200 does not appear
 3 to be it.
 4 Q. So just for the record, Footnote 30
 5 does refer to Page 9 of Exhibit 200, right?
 6 A. One second. It does.
 7 Q. Okay. And that's an incorrect
 8 citation, right?
 9 A. Yes.
 10 Q. That's a mistake in the report?
 11 A. Correct.
 12 Q. So look, if you will, at Pages 15 and
 13 16 of Exhibit 200.
 14 A. 15 and 16, yes.
 15 Q. Isn't that, in fact, the poster that
 16 you're referring to on Page 12 of your report and
 17 Footnote 30?
 18 A. That appears to be it, yes. So I have
 19 the page number wrong there.
 20 Q. Okay. And your report indicates that
 21 the importance of this document is that it has a

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1 logo from Fatah and the AAMB, right?
 2 A. Yes, that it's one document with both
 3 logos on it.
 4 Q. And the Fatah logo is a well-known
 5 logo, right?
 6 A. To some. Probably not to the average
 7 person here on G Street.
 8 Q. You could Google it and find it,
 9 right?
 10 A. You could.
 11 Q. You don't have any idea who made this
 12 document, right?
 13 A. No.
 14 Q. You don't have any idea if anyone
 15 associated with Fatah authorized putting their
 16 logo on this document?
 17 A. No.
 18 Q. And you would agree with me that
 19 anyone with a computer and the necessary software
 20 could have created this poster?
 21 A. I'm not in the poster business. It is

25 (Pages 323 to 326)

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1 probably something that requires more than your
2 home computer. These were large, glossy posters,
3 not something you'd print on your eight and a
4 half by eleven. But someone could have it done.

5 Q. It doesn't necessarily follow that
6 just because the Fatah logo was on a poster, that
7 it was authorized by Fatah, right?

8 A. I can't tell you that it was
9 authorized. What I can tell you is that posters
10 like this were very prominent, and it's not like
11 Fatah protested or took them down, either.

12 Q. Right. So you would agree with me,
13 sir, that you have no idea whether anyone at
14 Fatah authorized including this logo on this
15 poster?

16 MR. HORTON: Object to the form.

17 A. I couldn't say.

18 Q. On Page 12, you also reference what
19 you describe as a certificate of appreciation for
20 the "fighting brother," Mahmud, M-A-H-M-U-D,
21 Jabari, J-A-B-A-R-I. Do you see that?

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1 A. Yes.

2 Q. And would you agree with me that on
3 this copy, at least, that is completely
4 illegible?

5 A. I wouldn't say, "completely
6 illegible," but it's very small. It is hard to
7 read.

8 Q. And you would agree with me that you
9 don't have any way of knowing whether anyone at
10 Fatah authorized the creation of that stamp?

11 A. Correct.

12 Q. You don't know whether anyone at Fatah
13 authorized the affixing of that stamp to this
14 document?

15 A. Correct.

16 Q. Okay. And, in fact, you don't have
17 any idea who created this document, do you?

18 A. Correct.

19 Q. And you would agree with me that
20 anyone with the necessary computer or print shop
21 capabilities could have made a document that

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1 A. Yes.

2 Q. And, again, the importance of this
3 particular certificate is that it has what you
4 describe as a hybrid Fatah/AAMB stamp, correct?

5 A. Yes.

6 Q. And in Footnote 31, you reference Page
7 9 of Exhibit 200.

8 A. Hopefully, I got it right this time.
9 There we go.

10 Q. And Page 9 does, in fact, contain the
11 translation provided by the IDF of the
12 certificate you're referring to, right?

13 A. Correct.

14 Q. And if you look at Page 10, that is
15 what purports to be the original of the
16 certificate, right?

17 A. Yes.

18 Q. Would you agree with me that the stamp
19 that you're referencing as a hybrid Fatah/AAMB
20 stamp is the thing that appears in the lower
21 left-hand corner?

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1 looks like this, right?

2 A. Again, I don't know if they could have
3 done this on the computer, but you probably could
4 have had it done.

5 Q. Also on Page 12 of your report, you
6 reference a letter from AAMB members to Marwan
7 Barghouti.

8 A. Last paragraph?

9 Q. In the last paragraph of Page 12,
10 right?

11 A. Yes.

12 Q. And, again, you refer to the fact that
13 this letter has what you describe as a hybrid
14 stamp of Fatah and the AAMB, right?

15 A. Correct.

16 Q. Then in Footnote 33, you cite to Page
17 17 of Exhibit Number 200, right?
(Witness Reviews Document.)

18 A. Correct.

20 Q. And in this instance, on Page 17, we
21 have a translation of what purports to be this

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1 letter, right?

2 A. Correct.

3 Q. But in this instance, do we have a
4 copy of the original document?

5 A. I believe that's what follows on 18.

6 Q. And, again, you would agree with me
7 that what you're referring to as the joint stamp
8 is in the lower left-hand corner?

9 A. That's right.

10 Q. And just like the stamp we were
11 talking about previously, you don't have any idea
12 who made this or whether Fatah authorized it,
13 right?

14 A. Correct.

15 Q. And you also don't have any idea who
16 wrote this letter?

17 A. Correct.

18 Q. And you don't have any idea whether
19 Mr. Barghouti actually received this letter,
20 right?

21 A. Correct.

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1 letter in the specific southern area at this
2 particular time, and suggests that they are
3 looking to create one.

4 Q. On Page 19 of your report -- I'm
5 sorry, Page 13 of your report.

6 A. Okay.

7 Q. You refer to a poster of Firas,
8 F-I-R-A-S, Sabhi, S-A-B-H-I, Ja'aber, J-A
9 apostrophe A-B-E-R, correct?

10 A. Correct.

11 Q. And this particular poster appears on
12 Page 19 of Exhibit 200, correct?

13 A. Correct.

14 Q. And you indicate that this poster
15 indicates ties between the AAMB and Fatah because
16 Mr. Ja'aber is pictured on the poster wearing an
17 AAMB kafiyya, K-A-F-I-Y-Y-A. Do you see that,
18 sir? This is on Page 13 of your report.

19 A. Right, I see it there. I'm not sure
20 this is the right poster.

21 Q. Well, let me pose a question, sir:

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1 Q. Now, in the text of the letter on Page
2 17 of Exhibit 200, the IDF translation says, "We,
3 in the Al Aqsa Martyrs Brigades, Southern Area,
4 request of you to cooperate with the brother
5 carrying this letter, since we have requested him
6 to establish a communications channel between us
7 and yourself, so that we can handle several
8 complicated problems that arose in our sector of
9 the struggle, at this stage of our national
10 period." Do you see that?

11 A. I do.

12 Q. Now, you did not quote that language
13 in your report, right?

14 A. Correct.

15 Q. Would you agree with me that the fact
16 that this purports to be requesting that a
17 communication channel be established, suggests
18 that there was not a prior communications
19 channel?

20 A. It suggests that there's not a prior
21 communication channel between whoever wrote the

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1 The text I just read you from Paragraph 13 is
2 associated with Footnote 35, right?

3 A. The text you just read me is Footnote
4 35, yes.

5 Q. Right. And Footnote 35 refers to the
6 document that we've marked as Exhibit 200, the
7 IDF/MI report, called the Al Aqsa Martyrs
8 Brigade, and the Fatah organization are one and
9 the same, and Yasser Arafat is their leader and
10 commander, correct?

11 A. Correct.

12 Q. And Footnote 35 refers to Pages 15 to
13 16 of Exhibit 200?

14 A. Correct.

15 Q. And when we look at Pages 15 and 16 of
16 Exhibit 200, it is not the poster of Mr. Ja'aber,
17 right?

18 A. Correct.

19 Q. That is, instead, the poster of Mr.
20 Jaradat?

21 A. Correct.

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1 Q. So that's another error in the report?

2 A. Correct.

3 Q. Is the poster that appears on Page 19
4 of Exhibit 200, the poster of Mr. Ja'aber that
5 you're referring to on Page 13 of your report?

6 A. That is the poster of Mr. Ja'aber, and
7 the kafiyya is the one that's in the other one.
8 I seem to have conflated the two.

9 Q. So there's not only a mistake in the
10 citation of the report? There's a mistake in
11 which poster you're talking about?

12 A. That's possible.

13 Q. So are you now saying, sir, that the
14 kafiyya that you're referring to on Page 13, is
15 actually in the poster of Mr. Jaradat on Page 16
16 of the IDF report?

17 A. Just give me a minute, please, because
18 it might have been a different picture.

19 Well, the pictures are confused,
20 that's clear, but I don't know if the picture
21 that I was referring to is the one that's on 16

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1 specific to them on it.

2 Q. And what does the Al Aqsa Martyrs
3 Brigade kafiyya say?

4 A. I couldn't remember without seeing it
5 in front of me.

6 Q. And, in fact, based on the IDF report
7 that we've looked at, you can't even figure out
8 which picture the person is wearing it in, can
9 you?

10 A. There's clearly an error in the
11 citations here, yes.

12 Q. All right. You, again, mention that
13 the poster of Mr. Ja'aber, which is on Page 19,
14 has what you describe as Fatah and AAMB seals on
15 it, right?

16 A. Correct.

17 Q. And, again, as we've discussed, anyone
18 could have put those on there? There's no
19 indication that was approved by Fatah, right?

20 A. I couldn't say.

21 Q. There's nothing on the document that

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1 here. The copy that we have here is of very poor
2 quality. There's a lot of dark ink, so I can't
3 tell if he's wearing a kafiyya here or just a
4 headband.

5 Q. What is a kafiyya?

6 A. A kafiyya is a head covering. It's
7 like a scarf. It's a traditional, especially
8 Palestinian, not only Palestinian, head covering,
9 and you can wrap it around your head and -- it
10 doesn't do me much good to signal without saying
11 it, does it? You wrap it around your head and
12 then you have something that goes around the top
13 of your head to hold it in place.

14 Q. What distinguishes an AAMB kafiyya
15 from another type of kafiyya?

16 A. Some kafiyyas would have logos printed
17 on them. Most are just kind of black checker on
18 white, or sometimes red checker on white, and
19 sometimes you'd have some printed matter on them.
20 So sometimes groups like Al Aqsa, but not only,
21 would kind of print up ones that had material

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1 indicates it was approved by Fatah?

2 A. No.

3 Q. Also on Page 13 of your report, you
4 refer to, in the third paragraph on that page, a
5 letter regarding, "The general situation among
6 armed Fatah personnel in the District." Do you
7 see that, sir?

8 A. Yes.

9 Q. And then you proceed to quote from
10 that document, and in Footnote 36 you refer to
11 yet another IDF report, right?

12 A. Correct.

13 MR. HILL: Let's mark this.
14 (Defendant's Deposition Exhibit Number
15 201 was marked for identification.)

16 BY MR. HILL:

17 Q. Dr. Levitt, I've handed you what we've
18 marked as Exhibit 201, which is yet another one
19 of these IDF/MI reports. This one's called, "The
20 Palestinian Authority Employs Fatah Activists
21 Involved in Terrorism and Suicide Attacks,"

28 (Pages 335 to 338)

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1 correct?

2 A. That's what it says.

3 Q. And that's the document that's cited
4 in Footnote 36 of your report, right?

5 A. Let me just check because it's citing
6 to one of the appendices. Correct.

7 Q. And then if you look on Page 29 of
8 Exhibit 201, we will find the material that you
9 have quoted from in your report, right?

10 A. Yes.

11 Q. Okay. Now, according to Page 28 of
12 the IDF report, this is a translation of
13 something they have called Document 8, and it
14 says, "Excerpts from a document of the General
15 Intelligence Apparatus in the West Bank." Do you
16 see that, sir?

17 A. Yes.

18 Q. And you would agree with me that this
19 is only a portion of the underlying Arabic
20 document that's been translated here?

21 A. Correct.

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1 Q. Okay. Well, you quote this document,
2 sir, for the proposition that, "Al Daruch refers
3 to AAMB as 'the arms bearers of Fatah' and makes
4 note of those 'arms bearers...who stand out in
5 their...affiliation to Fatah'." Do you see that,
6 sir?

7 A. Yes.

8 Q. All right. And you're quoting
9 language from Page 29 of the IDF report, right?

10 A. Correct.

11 Q. Sir, you would agree with me that when
12 we look at the document itself, or at least the
13 translation of the portions of the document the
14 IDF has provided us on Page 29, that the acronym
15 AAMB, or the words Al Aqsa Martyrs Brigade,
16 appears only within parentheses, right?

17 (Witness Reviews Document.)

18 A. Correct.

19 Q. Okay. So when you say that Al Daruch
20 refers to the AAMB, actually, Al Daruch doesn't
21 refer to the AAMB at all, does he?

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1 Q. And you would also agree with me that
2 this particular report does not include the
3 Arabic original document?

4 A. Not in the version we have here, no.

5 Q. Do you believe you've ever seen a
6 complete translation of the entire document?

7 A. I don't recall.

8 Q. Would it be important for you to read
9 the entire document so you could understand the
10 context of the document before you relied on it
11 to support your opinions in the case?

12 A. It would be preferable. It's not
13 necessarily mandatory.

14 Q. Does it give you any pause to rely on
15 only the portions of the document that were
16 selected by the IDF Military Intelligence group?

17 A. Noting that they're excerpts, I would
18 have preferred to have had the whole document.
19 But what it has is -- there's no reason to
20 question what's in there. It would have been
21 better to have the whole document.

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1 A. Al Daruch refers to prominent members
2 of the AAMB, so he's referring to their
3 personnel. He doesn't refer to the name of the
4 group. But if you are talking about a bunch of
5 baseball players who are all on the Yankees, I'll
6 know you're talking about the Yankees in the
7 context of what you're discussing. Here, too,
8 Nasser Awis in particular, there are names
9 throughout here that are clearly Al Aqsa Martyrs
10 personnel.

11 Q. Okay. It's not transparent from your
12 report, sir, that you have inferred that Al
13 Daruch is talking about the AAMB, right?

14 A. Well, I don't know if -- I mean, I
15 wouldn't agree with the way you're putting this,
16 that there's some type of vague reference here.

17 But, no, I write, "Al Daruch refers to
18 AAMB." It could have been clear and said
19 something like, "Al Daruch refers to AAMB
20 personnel," which is or are people who are known
21 to be AAMB.

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1 Q. In the next sentence, you write, "He
2 also notes, 'The concept developed whereby the
3 arms bearers [i.e. AAMB] of the Fatah constitute
4 first and foremost a support for the Palestinian
5 Authority and its security apparatuses'." Do you
6 see that, sir?

7 A. Yes.

8 Q. And that language also appears without
9 the bracket on Page 29, right?

10 A. On Page 29?

11 (Witness Reviews Document.)

12 A. Oh, I see. Yes.

13 Q. And so you added, "I.e. AAMB," in the
14 bracket on Page 13, right?

15 A. Yes, obviously, because of the nature
16 of the brackets, the hard brackets.

17 Q. And, again, Mr. Al Daruch, he doesn't
18 use the phrase AAMB anywhere in this document
19 that you can find, right?

20 A. Correct.

21 Q. You have not spoken to Mr. Al Daruch

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1 Q. All right. Right before the sentence
2 you quote in your report on Page 29, you write,
3 "Between the arms bearer" --

4 A. I'm sorry. I'm sorry. On 29 or 13?

5 Q. Let me rephrase. On Page 29 of
6 Exhibit 201, the IDF translation says in the
7 paragraph after the paragraph marked C, "Between
8 the arm bearers (of Fatah) and the security
9 apparatuses in the District (Tulkarm) several
10 problems arose. In some cases, this reached a
11 complete breakdown of relations (between the
12 security apparatuses and) the arms bearers and
13 lack of (joint) work with them." Do you see
14 that, sir?

15 A. Yes.

16 Q. First of all, the stuff in parentheses
17 is stuff added by the Israeli Government
18 translator, right?

19 A. Yes.

20 Q. And then you did not include that
21 sentence in your report?

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1 about what he was talking about here, have you?

2 A. No.

3 Q. You haven't spoken to Mr. Tirawi, to
4 whom this is addressed, about what was meant in
5 this document, right?

6 A. No.

7 Q. You're purporting to tell us what the
8 alleged Palestinian author of this document meant
9 when he wrote it, right?

10 A. I'm putting it in context.

11 So, again, if you talk about a list of
12 people who are all affiliated with an
13 organization and you don't mention the name of
14 the organization, it's still clear who you're
15 talking about, right?

16 If you talk about a bunch of Yankees
17 players, you're clearly not talking about the
18 Redsox dugout.

19 So I make it clear that I am adding
20 this in and I don't purport to say that this is
21 what he said.

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1 A. Correct.

2 Q. Did you have someone look at that
3 sentence and see whether that was a fair English
4 rendering of what had been written in Arabic?

5 A. I don't recall.

6 Q. I've had another translator look at
7 this. I'd like to show you the translation I got
8 and see if it makes a difference to your opinion.

9 MR. HILL: Let's mark this.

10 (Defendant's Deposition Exhibit Number
11 202 was marked for identification.)

12 BY MR. HILL:

13 Q. So I'm showing you Exhibit Number 202,
14 which is a English translation of the Arabic
15 document which is attached thereto.

16 Sir, does this appear to be the same
17 document that is partially translated in the IDF
18 report which is Number 201?

19 A. I'll have to take your word for it.
20 201, this version of it doesn't include the
21 Arabic. What you gave me does, which suggests

30 (Pages 343 to 346)

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1 it's out there. And this is someone's
 2 translation of what looks to be fairly similar,
 3 yeah.
 4 Q. Well, if you'll look at the bottom of
 5 the second page of the English, you will see this
 6 translator's version of what we just read from
 7 the IDF report on Page 29. The translation
 8 that's contained in 202 says, "A number of
 9 problems occurred between armed militias and the
 10 security forces in the District. The attitude of
 11 the militia during these problems was an attitude
 12 of defiance and debauchery. This formed a
 13 negative view by some brothers in the security
 14 forces towards the militias to the point where
 15 they boycotted them and absolutely refused to
 16 deal with them. At this time, the view collapsed
 17 that the arms bearers of Fatah, first and
 18 foremost constitute a pillar and a support to the
 19 PA and its security forces. What is odd in this
 20 matter is that the militias unite with each other
 21 to face any problems they have with the security

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1 forces; in addition, they all resort to brother
 2 'Hafes' to lead in managing such events and when
 3 the problem ends, they all return to their
 4 accustomed divisions and factions." Do you see
 5 that, sir?
 6 A. I do.
 7 Q. All right. You are citing this
 8 document as evidence that there's co-operation
 9 between the PA and these militants, right?
 10 A. There's a relationship.
 11 Q. And, in fact, this translation that
 12 I've just read to you suggests that the nature of
 13 the relationship is that the militants are
 14 opposed to the PA security forces, right?
 15 A. It demonstrates that there were times
 16 when they were opposed, yes. And we've talked
 17 about this. There were times of fluctuation for
 18 sure.
 19 Q. You would agree that the difference in
 20 the two translations we've looked at here is
 21 material to the meaning of the Arabic document,

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1 right?
 2 A. It is.
 3 Q. And you would agree with me that you
 4 also cannot recollect whether you've seen a
 5 translation similar to the one we've just marked
 6 as Exhibit 202, prior to today?
 7 A. I'm sure I did not.
 8 Q. Does the translation that we've shown
 9 you as Exhibit 202 change your opinion in any
 10 fashion in this case?
 11 A. Well, in a situation like this -- and
 12 it's not at all uncommon with translations,
 13 especially from Arabic, where two translators can
 14 come up with not just slightly different
 15 variations, but very different translations that
 16 change the meaning -- I'd want certainly a third
 17 opinion.
 18 But in your hypothetical, if this were
 19 to be determined to be the most accurate opinion,
 20 what it does is change the way I would have used
 21 this material, to demonstrate that there were

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1 times when the Palestinian militias were out of
 2 favor with the Palestinian security services, and
 3 there were times when they were not, when they
 4 worked together in tandem, which, in fact, was
 5 the case.
 6 Q. This document doesn't say they worked
 7 together in tandem, does it?
 8 A. You didn't ask -- you asked would it
 9 have made a difference and how would I have used
 10 it differently. So that's how I would have used
 11 it differently, and then I would have gone on to
 12 use other materials to show how they did work
 13 together.
 14 Q. On Page 15 of your report, in the
 15 third paragraph on that page, the second sentence
 16 refers to, or says, "The seized documents include
 17 a letter dated September 16th, 2001, from
 18 'Palestinian Al Aqsa Martyrs Brigades' to Shubaki
 19 requesting funds for electrical and chemical
 20 materials to manufacture explosives." Do you see
 21 that, sir?

31 (Pages 347 to 350)

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1 A. I do.
 2 Q. And then Footnote 44 refers to another
 3 Israeli Government report, right?
 4 A. Correct.
 5 Q. And this one is prepared by a team
 6 headed by somebody called Danny Naveh, N-A-V-E-H,
 7 right?
 8 A. I'm sorry, I just lost my place.
 9 There we are. Yes.
 10 I'm sorry, I didn't hear if you said
 11 if this was another military or Israeli. It's
 12 Israeli. This one appears not to be military.
 13 Q. Right.
 14 MR. HILL: Let's mark this one.
 15 (Defendant's Deposition Exhibit Number
 16 203 was marked for identification.)
 17 BY MR. HILL:
 18 Q. Footnote 44 doesn't give us a pinpoint
 19 site within the document. I'd ask you to look at
 20 Pages 19 and 20 and tell me if that is the
 21 document that you're referring to in the text

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1 enlarge original document in Arabic?"
 2 A. Correct.
 3 Q. And then you understand that what's
 4 described in English in the report as Document
 5 Number 2, purports to be a translation of that
 6 document?
 7 A. Correct.
 8 Q. Now, you say in your report that this
 9 letter is to someone named Shubaki. Who is
 10 Shubaki?
 11 A. Shubaki was a financial officer close
 12 to Yasser Arafat. He was involved with
 13 financing, among other things, purchase of
 14 weapons.
 15 Q. You would agree with me that the
 16 English translation provided by the Israeli
 17 Government on Pages 19 and 20 of this document,
 18 does not contain the word Shubaki?
 19 A. Correct.
 20 Q. So what's the basis for you saying in
 21 your report that this was to Shubaki?

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1 associated with Footnote Number 44?
 2 (Witness Reviews Document.)
 3 A. Yes.
 4 Q. Now, this Page 19 does have what
 5 appears to be a very small version of a
 6 handwritten document printed on it, right?
 7 A. Right. Next to the previous document,
 8 not the one that we're discussing right now. At
 9 least in my version.
 10 Q. So which page is the Arabic version of
 11 the document that's referenced in connection with
 12 Footnote 44 of your report?
 13 A. It looks to me like that's -- if you
 14 go down further on Page 19, it says Document
 15 Number 2. Do you see that?
 16 Q. Okay. So the Arabic version of what
 17 we're talking about on Page 15 of your report
 18 associated with Footnote 44, is the document that
 19 appears in very small script on Page 20, right?
 20 A. I believe so, yes.
 21 Q. And that's where it says, "Click to

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1 A. The introduction, if you go back to
 2 Page 18 of Exhibit 203, the bottom of the page is
 3 a subhead, Examples of the Involvement of PA
 4 Apparatuses and Arms Procurement, and it begins,
 5 "In a letter addressed to Fuad Shubaki (Arafat's
 6 crony and confidant)," et cetera, et cetera.
 7 Q. But you would agree with me, sir, that
 8 the actual translation is not addressed to Mr.
 9 Shubaki?
 10 A. The translation is not addressed to
 11 anybody. It appears to be something that was
 12 part of a larger, maybe, collection of documents
 13 with this letter. It's a list. It's just a
 14 list. So, you now, if you received a list of
 15 anything in isolation, it probably wouldn't make
 16 much sense. Presumably, this came as part of
 17 something that was addressed to Fuad Shubaki, as
 18 it's explained here.
 19 Q. Sir, are you certain that what's being
 20 described at the bottom of Page 18, is the same
 21 document that is labeled as Document Number 2 on

32 (Pages 351 to 354)

Page 355

1 19?

2 A. That was my understanding.

3 Q. Is it still your understanding now
4 that you've read it again?5 A. Well, these are the only two documents
6 that are included in this one subhead, so the
7 implication is that these two documents came
8 together in this letter to Fuad Shubaki.9 Q. But that's an implication you're
10 drawing from something the Israeli Government
11 wrote, right?12 A. This is something from the Israeli
13 Government, yes.14 Q. That's not an implication you can draw
15 from the documents themselves?16 A. The documents themselves don't include
17 the letter to Shubaki, just the two apparent
18 attachments.19 Q. So you're taking the Israeli
20 Government's word for it that these documents
21 were addressed to Shubaki?

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1 A. I have not.

2 Q. All right. So you're prepared to take
3 the Danny Naveh's report's word for it that
4 Document Number 2 on Page 19 was, in fact,
5 addressed to Fuad Shubaki?

6 A. I have no reason to doubt it.

7 Q. How about the fact that the document
8 doesn't say so, is that a reason to doubt it?9 A. Again, we're rehashing what we've
10 already covered.11 What it says is it includes two
12 examples of attachments, which are presented
13 under one subhead, and a very organized document.
14 Everything is clued into some subhead. These two
15 are presented in a subhead that begins, "In a
16 letter addressed to Fuad Shubaki."17 Q. Right. But you would agree, sir, that
18 the letter addressed to Fuad Shubaki, described
19 on Page 18, is not among the documents on Page 19
20 or 20, right?

21 A. That's right, as you asked and I

Page 356

1 A. Yes.

2 Q. Do you believe that that's an
3 appropriate thing for you to do given the Israeli
4 Government's obvious interest in this issue?

5 MR. HORTON: Object to form.

6 A. The Israeli Government has an interest
7 in this issue, of course. It also has an
8 interest in its public relations and making this
9 part of its public relations and doing so in a
10 way that isn't obviously flawed. So I think that
11 it would be highly unlikely they'd go to such
12 lengths to put out on their Foreign Ministry
13 website a 48-page report, including all these
14 documents, and make some of it up.15 Q. Are you aware, sir, that this report
16 in particular has been greatly criticized as
17 being a political document that's not factually
18 accurate?

19 A. No.

20 Q. You've never heard that criticism of
21 the Danny Naveh report?

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1 answered before.

2 Q. So you're just assuming that there is
3 such a letter because the Naveh report says so?

4 A. Yes.

5 Q. Have you ever seen that letter?

6 A. I don't think so.

7 Q. So you're just prepared to take that
8 on faith from the Israeli Government?9 A. Like we said earlier, I don't take
10 anything just on blanket faith. All of this fits
11 into a larger picture.12 Q. What did you do to confirm that there
13 is such a letter addressed to Fuad Shubaki?

14 A. I don't recall.

15 Q. Also on Page 15, you refer in the next
16 paragraph, the fourth paragraph on that page, to,
17 "One document shows that PA General Intelligence
18 passed to its Ramallah office a list of 232
19 terrorists wanted by Israel, asking the office to
20 'please inform the brothers whose names are
21 mentioned above to take cautionary measures'."

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1 Do you see that, sir?

2 A. I do.

3 Q. And for that proposition in Footnote
4 45, you again refer to the Naveh report, right?

5 A. Yes.

6 Q. And you don't give me a pinpoint, but
7 could you look at Page 18 of the Naveh report and
8 tell me if the document you're referring to on
9 Page 15 of your report at footnote, I guess, 45
10 appears there?

11 A. Yes.

12 Q. Okay. And is that the document that's
13 labeled on Page 18 of the Naveh report as
14 Document Number 3?

15 A. Yes.

16 Q. And, again, what we've got here is a
17 document where we have a partial translation from
18 the Israeli Government, right?

19 A. I don't know. We're not able to click
20 on the original here and see. It does not appear
21 to say that it's a partial translation, but that

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1 Q. And where does it say that in the
2 translation?

3 A. Under Document 3, the names of 232
4 terrorists wanted by Israel.

5 Q. That's not the translation, sir.

6 That's the Naveh report's characterization of the
7 document, right?

8 A. That's their summary, correct.

9 Q. What the document actually says,
10 according to the Israeli Government's
11 translation, is, "Attached hereto is a form with
12 the names of men wanted by the Israeli Occupation
13 who are with you..." right?

14 A. That portion is in quotes. I don't
15 know if that's -- we'd have to look at the
16 original for me to tell you definitively. But
17 that appears to be a quote from the document,
18 and -- so, yes, that's a quote from the document.

19 Q. Okay. So you agree with me that as
20 far as the translation of the document is
21 contained in the Naveh report which you are

Page 360

1 may be. It looks like it's quite a short
2 document.

3 Q. All right. So you've never spoken to
4 the author of this document about its contents?

5 A. Correct.

6 Q. And you've never spoken to the
7 addressee of the document about its contents?

8 A. Correct.

9 Q. You, in fact, have no idea if it, in
10 fact, was received by the person it's addressed
11 to?

12 A. Correct.

13 Q. Now, you say in your report that this
14 document shows that, "PA General Intelligence
15 passed to its Ramallah office a list of 232
16 terrorists wanted by Israel," right?

17 A. Yes.

18 Q. Now, does the text of the document
19 indicate that it is 232 terrorists wanted by
20 Israel?

21 A. Yes.

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1 relying on, it does not say these 232 people are
2 terrorists, right?

3 A. Correct. Nor do I quote it as such in
4 my report.

5 Q. Right. But your report assumes that
6 the 232 people on the list are terrorists wanted
7 by Israel, right?

8 A. Correct.

9 Q. But the document itself, so far as you
10 can read it in English, doesn't say terrorists?

11 A. The document that I'm quoting does.

12 Q. You're quoting the Naveh report?

13 A. Correct.

14 Q. So you're not relying on the primary
15 source in this instance? You're relying on the
16 Israeli Government report?

17 A. This is both. This is the Israeli
18 Government report and its presentation of the
19 underlying document. I believe that the Israelis
20 are probably in a good position to know how many
21 people they wanted and why.

34 (Pages 359 to 362)

Page 363

1 Q. Indeed. Did the Israelis release the
2 list of the 232 people so the rest of the world
3 could verify their claim that they were
4 terrorists?

5 A. I don't know, but it's not usually
6 what's done in the world of security. Not by us
7 or them or others.

8 Q. So there's really no way for us to
9 check and see whether the Israeli Government is
10 being accurate when it characterizes these 232
11 people as terrorists, right?

12 A. If, in fact, those names weren't made
13 public on this particular list, no.

14 Q. You, nonetheless, are prepared to
15 assume that the Israeli Government is being
16 accurate when it characterizes the 232 people as
17 being terrorists, right?

18 A. I think it's accurate to present the
19 232 people who are wanted by Israel as being
20 wanted by Israel and being wanted as terrorists
21 when that's what the Israelis say.

Page 365

1 Q. So you believe it when the Israelis
2 tell you something, but you don't believe it when
3 the Palestinians tell you something, right?

4 A. Not at all. I meet with the
5 Palestinians all the time, and they tell me
6 things all the time.

7 Q. Did any Palestinian talk to you about
8 the 232 people on this list?

9 A. It's possible. I don't know. I had
10 lots of meeting with Palestinians, Israelis,
11 Americans, all as this was going on, and it was
12 going on a lot in terms of the Israelis passing
13 lists, sometimes the Americans passing lists to
14 the Palestinians and the Palestinians warning off
15 people who were wanted for acts of terrorism.

16 Q. You don't have any idea who's on this
17 list, do you?

18 A. Not this particular list --

19 Q. You don't have any idea what they were
20 wanted for, do you?

21 A. You're going to have to repeat your

Page 364

1 Q. So you're taking the Israelis' word
2 for it on what this list was?

3 A. When the Israelis say there are 232
4 wanted terrorists, I think it's accurate to
5 report that the Israelis say there are 232 wanted
6 terrorists.

7 Q. Yeah. But, sir, that's not what you
8 say in your report. You don't say that the
9 Israelis claimed it was a list of 232 wanted
10 terrorists. You say, "One document shows the PA
11 General Intelligence passed to its Ramallah
12 office a list of 232 terrorists wanted by
13 Israel," right?

14 A. Yes.

15 Q. And your only basis to believe that
16 this is, in fact, a list of terrorists is because
17 the Israeli Government told you so?

18 A. And because Israel is a democracy, and
19 the likelihood of them wanting 232 people for
20 jaywalking is small. And, yes. So there's not a
21 reason to doubt that.

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1 question since you were speaking while I was
2 speaking.

3 Q. You don't have --

4 MR. HORTON: Hold it. We got to make
5 sure we're speaking at separate times.

6 Q. You don't have any idea why those 232
7 people were wanted by Israel, do you?

8 A. I have reason to believe they're
9 wanted for terrorism.

10 Q. Because the Israeli Government said
11 so?

12 A. Exactly. Just like the FBI --

13 Q. No other reason?

14 A. Just like when the FBI says it wants
15 someone for violating a crime. You can take them
16 at face value that they want someone for
17 violating a crime.

18 Q. Yeah, the FBI will give us the names,
19 though, won't they?

20 A. Sometimes.

21 Q. You say in the next sentence on Page

Page 367

1 15, "In at least two instances, PA security
2 services knew of pending suicide attacks but took
3 no action to prevent them or inform Israeli
4 authorities," right?

5 A. Right.

6 Q. And that is also cited to Footnote 45,
7 right?

8 A. Correct.

9 Q. Which is to this same Naveh report
10 with no pinpoint site, right?

11 A. Correct.

12 Q. What are those two instances, sir?

13 A. I don't recall offhand.

14 Q. On Page 15, in the next sentence you
15 say, "According to other PA General Intelligence
16 documents seized by Israel, senior Palestinian
17 security officers - including Jamal Switat,
18 deputy head of PA Preventative Security in Jenin,
19 and an officer named Al Rah - 'supplied PIJ and
20 Hamas in the Jenin area with most of the weapons
21 in their possession.' Switat also recruited a

Page 369

1 this footnote actually cited what you were
2 quoting?

3 A. It's unfortunate that somehow I left
4 off the page numbers consistently for this
5 report, especially since it's such a long report.
6 I apologize for that. But, yes, I went through
7 the full report.

8 Q. So you believe that the material
9 you're quoting from actually appears in the Naveh
10 report?

11 A. I would hope that it does. Otherwise,
12 it's a mistake in footnote.

13 It's also possible that the version
14 that I have of this includes the clicks to the
15 original documents, which might have more in them
16 than the summary provided here under Document 1,
17 and then the small bits of what appears to be
18 actual quoted material.

19 Q. Well, let me mark another exhibit and
20 see if this is actually what you're referring to.
21 (Defendant's Deposition Exhibit Number

Page 368

1 suicide bomber from within PAGI, who carried out
2 a November 2001 suicide bombing in Afula." Do
3 you see that, sir?

4 A. I do.

5 Q. And you cite for that proposition
6 again to the Naveh report, right?

7 A. Correct.

8 Q. And you don't give me a pinpoint site
9 to it, but if you would look at Page 17, I see a
10 reference to Mr. Switat. Is that what you're
11 referring to?

12 (Witness Reviews Document.)

13 A. It's not clear. Let me -- hold on.

14 (Witness Reviews Document.)

15 A. I can't say if this is it.

16 Q. Okay. So that's another mistake in
17 the report, right?

18 A. I don't know. It's your time. We can
19 take the time to go through the 48 pages.

20 Q. Well, when you prepared the report,
21 did you go through the 48 pages and make sure

Page 370

1 204 was marked for identification.)

2 BY MR. HILL:

3 Q. Dr. Levitt, we've handed you what
4 we've marked as Exhibit 204, which is a report
5 from something called the Intelligence and
6 Terrorism Information Center at the Center for
7 Special Studies. Do you see that, sir?

8 A. I do.

9 Q. That's the organization you were
10 referring to earlier that ultimately got custody
11 of the materials the IDF had seized?

12 A. Correct.

13 Q. The pages aren't numbered, but the
14 last two pages of the document contain what
15 appears to be Arabic, right?

16 A. Correct.

17 Q. And then there is, on the preceding
18 three pages, what is described as a translation
19 of the captured document. Do you see that, sir?

20 A. Right. Yes.

21 Q. And at the bottom of that page, the

36 (Pages 367 to 370)

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1 third page of the document, you'll see there is a
2 reference to Mr. Switat and someone called Al
3 Rah, right?

4 A. Correct.

5 Q. So is this, in fact, the document that
6 you were referring to on Page 15 of your report?

7 A. Let's see. The syntax is totally
8 different, so it's probably not in the exact same
9 document. Again, as we discussed earlier, often
10 the same document will be translated more than
11 once and have slightly different translations.

12 Q. Do you believe the translation that
13 we're looking at in Exhibit 204 is the
14 translation of the Arabic document that you are
15 referring to on Page 15 in association with
16 Footnote 46?

17 A. It appears to be a version of it, but
18 I can't confirm it right now.

19 Q. And because of the nature of your
20 citation, we can't actually reconstruct which one
21 you looked at when you penned this particular

Page 373

1 report. The page that has the Number 4 at the
2 top.

3 A. Gotcha.

4 Q. Right under the address and the Re
5 line, it indicates, "The source provided the
6 following information," right?

7 A. Correct.

8 Q. For the record, what is a source?

9 A. A source is someone who provides you
10 information. Here in the context of
11 intelligence, intelligence services, whether it's
12 Palestinian or Israeli or American, will recruit
13 informants and, so, the source would be some type
14 of informant, or undercover, or something like
15 that. It could also be -- it doesn't have to be
16 a human source. Could be a telephone intercept.
17 And often in the report, to protect sources and
18 methods, you won't write what type of source. It
19 could be an overhear, an intercept, or something
20 like that, too.

21 Q. There's no indication that this is an

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1 portion of your report?

2 A. Unfortunately.

3 Q. Now, you're using this document to
4 indicate that senior Palestinian security
5 officers were involved with PIJ and Hamas, right?

6 A. Correct.

7 Q. For the record, what is PIJ?

8 A. Palestinian Islamic Jihad.

9 Q. And if this is, in fact, a document
10 from the PA General Intelligence Service, you
11 would expect the PA General Intelligence Service
12 would be monitoring people who were involved with
13 PIJ or Hamas, right?

14 A. Yes. Sometimes monitoring, sometimes
15 helping.

16 Q. Now, this document indicates on the
17 third page of the translation, right under the Re
18 line, that --

19 A. I'm sorry, the third page of the
20 translation?

21 Q. I'm sorry, the third page of the

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1 electronic intercept, correct?

2 A. There's no indication any way, one way
3 or the other.

4 Q. Now, you would expect that the
5 Palestinian GIS would be interested if a member
6 of the Palestine Preventative Security was
7 involved in Hamas or PIJ, right?

8 A. Yes.

9 Q. This would be like the FBI reporting
10 that a CIA employee was a double agent, right?

11 A. Roughly.

12 Q. And, so, because this is intelligence,
13 have you done anything to verify that what the
14 source said about Mr. Switat, for example, was
15 true?

16 A. No. In the category of things, it's
17 really not going to be something you can dig up.

18 Q. Now, you would agree with me that
19 information from sources provided to intelligence
20 agencies is occasionally untrue?

21 A. Occasionally.

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1 Q. In fact, there have been some rather
2 notable instances where American intelligence has
3 received untrue information and relied on it to
4 America's detriment, right?

5 A. Purportedly.

6 Q. And sometimes sources provide
7 incorrect information because they are mistaken,
8 right?

9 A. Could be.

10 Q. Sometimes sources will provide
11 incorrect information because they want to get
12 even with somebody, right?

13 A. It's possible.

14 Q. And the bottom line, sir, is you have
15 no idea whether the information that's contained
16 in this document that purports to be from a
17 Palestinian intelligence source is accurate or
18 not?

19 A. Well, it was seized from the
20 Palestinian intelligence offices, and you should
21 be able to know, based on how and where it was

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1 Intelligence that was seized from their files
2 without their consent.

3 Q. Is there any reason to believe that
4 Palestinian General Intelligence files are more
5 factually accurate than the intelligence files of
6 any other agency in the world?

7 A. I'd have no way to know that.

8 Q. You really don't have any basis to
9 know whether this is true or not, do you, sir?

10 A. I disagree.

11 Q. What is the basis for you to believe
12 that this statement from the unnamed source is
13 true?

14 A. It can be presumed to have been
15 believed by the intelligence professionals who
16 collected the material, to have been true,
17 because they never work in isolation. And if
18 this material was found in their ongoing current
19 files, and there's no evidence to the contrary,
20 and was presented seized material, there's no
21 reason to create cockamammy stories about what

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1 found, if it was something that was not believed
2 to be true.

3 Q. How would you know that, sir?

4 A. Because if it was not believed to be
5 true, it probably wouldn't be kept in the current
6 file of ongoing things about a target if they
7 believed it not to be true. There's a separate
8 place to keep stuff that you believe to be
9 fabricated or incorrect.

10 Q. Which file was this one found in, the
11 fabricated file, or the "we believe it to be
12 true" file?

13 A. I don't know.

14 Q. You don't have any idea, do you?

15 A. Correct.

16 Q. You just assumed this is true?

17 A. I take it at face value.

18 Q. At face value, it's an intelligence
19 report that's not been not verified, right?

20 A. At face value, it's an intelligence
21 report from the files of Palestinian General

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1 might have happened.

2 Q. Well, sir, we don't know if there's no
3 evidence to the contrary because the Israelis
4 haven't released the rest of the files, have
5 they?

6 A. I don't know if they have or not.

7 Q. What do you mean you don't know if
8 they have or have not? You know how much
9 material the Israelis seized.

10 A. No, I don't.

11 Q. You say in your report they received
12 over 500,000 documents.

13 A. Over 500,000. So do you know how many
14 were seized? I don't.

15 Q. Were 500,000 documents made available
16 to the public?

17 A. I have no idea.

18 Q. You don't know how many documents were
19 made available to the public?

20 A. A whole bunch of documents were made
21 public. Probably not 500,000. I don't know.

38 (Pages 375 to 378)

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1 Probably a lot -- many of those were, you know,
2 not deemed relevant to the material that they
3 were trying to put forward.

4 Q. Exactly. And if there was something
5 that indicated this was a false report, the
6 Israelis would have no interest in releasing
7 that, right?

8 A. I don't think the Israelis would have
9 released the report if they had reason to believe
10 it wasn't accurate.

11 Q. You don't think they would have
12 released it because it tended to incriminate a
13 Palestinian preventative security officer?

14 A. I don't -- you're going to have to
15 actually pose a question.

16 Q. You don't think at the time when the
17 Israelis were engaged in a PR campaign against
18 the Palestinian authority, that it was in their
19 interest to release this document because it
20 implicated a Palestinian Government official?

21 MR. HORTON: Object to the form.

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1 A. No.

2 Q. In fact nobody, except the Israeli
3 Government, has had access to the universe of
4 documents they seized, right?

5 A. Correct.

6 Q. So you're dealing with a data set
7 where only a portion of the data has been made
8 available to the public, right?

9 A. That's what happens with intelligence.
10 Like when we, the U.S. Government, released just
11 seven documents out of the treasure trove
12 collected at bin Laden's compound. Are we to
13 doubt those as seven cherry picked documents? I
14 suppose you could if you want to be a conspiracy
15 theorist. I'm not.

16 Q. Have you asked to see the documents
17 the Israeli Government has not released?

18 A. Again, let's even assume that it's not
19 over, but it's only 500,000 documents. It's just
20 not doable.

21 Q. Has any scholar had access to those

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1 A. I think it was in their interest to
2 release it if they believed it to be true. There
3 was so much of this going on, there was no need
4 to fabricate evidence. The issue, therefore, is
5 why would they release something that they
6 believed might not be true? I think what they
7 probably did is they tried to release those
8 pieces of information that either they could
9 verify or whatever. Why would they make stuff
10 up?

11 Q. Well, I'm not suggesting they made it
12 up. I'm suggesting that maybe they cherry picked
13 it and only put out the ones they liked.

14 A. Oh.

15 Q. Do you have any basis to believe
16 that's not what happened?

17 A. I have no reason to believe that it
18 did happen.

19 Q. Well, you haven't actually looked at
20 the universe of documents the Israeli Government
21 seized, right?

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1 materials the Israeli Government has not
2 released?

3 A. I'm sure there are people who have had
4 more access than I have. I don't know who or how
5 much. I couldn't say.

6 Q. Are you aware of any scholar in the
7 field that regards the limited number of
8 documents that the Israelis have released as a
9 representative sample of what they seized?

10 A. What do you mean by "representative
11 sample"?

12 Q. Well, you're familiar with the term,
13 aren't you, sir? What does a representative
14 sample mean?

15 A. I'm not sure. Why don't you tell me.

16 Q. Well, these documents weren't randomly
17 sampled by the Israelis from what they received
18 and released to the public, were they?

19 A. I don't know. Presumably not, but
20 they didn't tell me. I'm not privy to that kind
21 of information. Presumably they went to the

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1 documents, found documents either that they could
2 verify, they knew to be true, and certainly that
3 demonstrated the problems that they were trying
4 to expose, and made those public.

5 Q. Why do you assume that, sir?

6 A. Because I've had the opportunity to
7 work in the intelligence and law enforcement
8 field, and it's my experience that professionals
9 act professionally.

10 Q. Even though the Israeli officials,
11 themselves, that were involved in this have said
12 Israeli Military Intelligence was engaged in
13 propaganda in connection with these materials?

14 A. You have an Op Ed by two individuals
15 who I don't know and maybe have some type of chip
16 on their shoulder. Who knows?

17 Here in this country, too, we have
18 former intelligence people that leave and are
19 angry and say all kinds of things. So I don't
20 know how much weight to give that at all.

21 I haven't seen that. That's the

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1 Q. Has anyone ever told you that U.S.
2 Government officials got to see more than the
3 public has seen?

4 A. It's my understanding.

5 Q. Who told you that?

6 A. I don't recall.

7 Q. Have you ever spoken to anyone at the
8 Palestinian intelligence agency about this
9 document?

10 A. Not about this document specifically,
11 to my knowledge, but I have spoken to people
12 there.

13 Q. Who have you spoken to at Palestinian
14 intelligence?

15 A. I don't have their names.

16 Q. You didn't speak to Mr. Daruch, who
17 wrote this report, did you?

18 A. Not to my knowledge.

19 Q. You didn't speak to Mr. Tirawi, to
20 whom the report is addressed, did you?

21 A. I don't -- it's possible. I don't

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1 document you produced. I haven't had a chance to
2 see who these people are or what their background
3 is or if they have a chip on their shoulder, what
4 have you.

5 Q. Are you aware of any academic, other
6 than yourself, who will rely on the documents
7 being released by the Israelis as being factually
8 accurate?

9 A. Sure.

10 Q. Can you give me a name of someone?

11 A. Not right now. But there are lots and
12 lots of other academics who have cited to this
13 material, and in parts because they, like I, went
14 and spoke with primarily U.S. officials to get
15 their sense, having gone through these documents,
16 and these documents, and presumably many more,
17 were made available to U.S. Government officials.

18 Q. Why do you presume U.S. Government
19 officials saw many more?

20 A. Because Israel and the United States
21 have a very close intelligence relationship.

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1 think I've ever spoken with Tirawi.

2 Q. You haven't spoken to Mr. Switat,
3 who's the subject of the report, have you?

4 A. No.

5 Q. Do you know what happened to him?

6 A. No.

7 Q. Have you spoken to Mr. Al Rah, who's
8 mentioned in the report?

9 A. No.

10 Q. Have any idea what happened to him?

11 A. No.

12 Q. On Page 15 of your report, the next
13 sentence in the last paragraph says, "Fatah bomb
14 makers like Mutasen Hammad prepared
15 explosives-laden suicide belts for both Al-Aqsa
16 and PIJ." Do you see that, sir?

17 A. Yes.

18 Q. The next sentence says, "For instance,
19 a joint PIJ-Fatah suicide attack at the old
20 central bus station in Tel-Aviv on January 25th,
21 2002 wounded 23 people." Do you see that, sir?

40 (Pages 383 to 386)

Page 387

1 A. Yes.

2 Q. And you cite in Footnote 48 something
3 called, "Israel Defense Forces, 'The Fatah and
4 the PA Security Apparatuses in the Jenin Area
5 Closely Cooperate with PIJ and Hamas,' April 9th,
6 2002." Do you see that, sir?

7 A. Yes.

8 Q. When you wrote this sentence that you
9 cited in Footnote 48, did you look at that
10 report?

11 A. Presumably, yes.

12 Q. Do you have a copy of it today?

13 A. I don't have anything with me today.

14 I should note, by the way, there's
15 also a second citation in that footnote.

16 Q. Yeah, there is, but I want to ask you
17 about the first one because when I asked the
18 plaintiffs' lawyer to give me a copy of that
19 report, they said it no longer existed.

20 A. It's possible. A lot of these reports
21 that at one point were available on the Internet,

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1 A. Yes.

2 Q. So do you have any explanation for how
3 a footnote in your report refers to something
4 that nobody can find?

5 A. That it was taken off the Internet,
6 that possibly I didn't maintain a hard copy of
7 it.

8 Q. When did you last look at that
9 document that's cited in Footnote 48?

10 A. I don't recall.

11 Q. Did you look at it in preparation of
12 this report?

13 A. Presumably.

14 Q. On Page 16 of your report, you discuss
15 these seven distinct funding requests that we
16 were looking at before the lunch break. Let's
17 see if we can find the document that's entitled
18 Palestinian Authority Captured Documents Main
19 Implications. I believe that one to be Exhibit
20 Number 198.

21 A. 198.

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1 are not anymore.

2 Q. So you're saying this was available on
3 the Internet in March of 2013, and it no longer
4 exists today?

5 A. Possibly. I don't have it here in
6 front of me. I couldn't tell you definitively.

7 Q. So you would agree with me that I
8 can't actually look at that citation and see if
9 it says what you say it says?

10 A. Without having it in front of us, no.
11 I don't know that it's not available. I don't
12 know that some archive search can't pull it up.
13 But sitting here right now, I can't.

14 Q. Did you look for that citation in
15 connection with the subpoena that we had served
16 on you?

17 A. I'm sure.

18 Q. Did you find it?

19 A. If I found it, I provided it.

20 Q. So the fact that I haven't got it, we
21 can infer that you didn't find it, right?

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1 Q. In your report on Page 16, you say,
2 "The table" -- the last paragraph, "The table
3 lists seven" --

4 A. I'm sorry. Where?

5 Q. Last paragraph, second sentence on 16.

6 A. Right.

7 Q. "The table lists seven distinct
8 funding requests, five of which were approved by
9 Arafat; Arafat's senior aid and the PA's General
10 Security Apparatus financial head Fuad Shubaki,
11 oversaw the remaining two."

12 And then in Footnote 54 you refer to
13 Appendix D of what we've marked as Exhibit Number
14 198, right?

15 A. Okay.

16 Q. All right. And of these documents,
17 Number 1 on Page 12 of Exhibit 198, is the July
18 2001 letter from Mr. Hamid that we talked about
19 before the lunch break, right?

20 A. Correct.

21 Q. And Number 2 is the September 2001

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1 document that we talked about today before the
 2 lunch break -- or after lunch break, right?
 3 A. Yeah, that appears to be the same.
 4 Q. And that was the one where we couldn't
 5 find Mr. Shubaki's name on it, right?
 6 A. From that particular source, which I
 7 think was the Naveh report.
 8 Q. And then Document Number 3, which
 9 appears on 13 of Exhibit Number 198, references a
 10 September 19th, 2001 document from someone called
 11 Hussein, H-U-S-S-E-I-N, Al, A-L-Sheikh,
 12 S-H-E-I-K-H. Do you see that, sir?
 13 A. Yes.
 14 Q. And we haven't talked about that one
 15 yet, right?
 16 A. I don't think so.
 17 Q. If you'll look at the Naveh report?
 18 A. What number is that?
 19 Q. 203, at Page 10.
 20 A. Page 10.
 21 Q. Is the document that appears at the

Page 393

1 don't.
 2 MR. HILL: Let's mark this one.
 3 (Defendant's Deposition Exhibit Number
 4 205 was marked for identification.)
 5 BY MR. HILL:
 6 Q. Showing you what's been marked as
 7 Exhibit Number 205, is this a different version
 8 of this Naveh report?
 9 A. It appears to be a different version
 10 of the Naveh report.
 11 Q. How many versions of the Naveh report
 12 were there?
 13 A. Well, presumably it's the same Naveh
 14 report, I don't know, but it looks like probably
 15 what you just handed me was probably more of the
 16 original and what you -- let's say 205, and 203
 17 is printed off the Ministry of Foreign Affairs,
 18 the Israeli Ministry of Foreign Affairs' website,
 19 so it appears that maybe that's what it looks
 20 like once they put it on the Internet. This one,
 21 205, does not appear -- it doesn't have a web

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1 end of Page 10, the translation of which carries
 2 over to Page 11, the document that's referred to
 3 on the chart here?
 4 A. Again, which number in the chart are
 5 we up to here? 4 or 5?
 6 Q. Exhibit Number 3 on the chart, is that
 7 the document that's on Page 10 to 11 of the Naveh
 8 report?
 9 (Witness Reviews Document.)
 10 A. I can't say for sure. It's from two
 11 different reports. What I have here -- well,
 12 what appears here on Page 13 of Exhibit 198 would
 13 be to three people, and at least in the summary
 14 here on Page 10 of 203 is -- appears to be two
 15 people. So it's not clear this is the same
 16 letter.
 17 Q. It's possible, is it not, sir, that
 18 what happened in the Naveh report is they omitted
 19 one of the people, right?
 20 A. I don't know. We could tell if we had
 21 the rest of it here, which is accessible, but we

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1 address at the top.
 2 Q. Okay. Well, look, if you will, at
 3 Page 20 of the second Naveh report that we've
 4 marked and tell me if that appears to be the
 5 document that's referenced in the table as Number
 6 3 on Exhibit Number 198?
 7 A. Yes.
 8 Q. So you would agree with me, sir, that
 9 on Page 20 of the second Naveh report, the
 10 material that's in the parentheses is added by
 11 the Israeli Government translator, right?
 12 A. Yes. I'm sorry. I didn't see it at
 13 first.
 14 Q. And you would agree with me, sir, that
 15 there's no indication on this document that any
 16 money was, in fact, paid, right?
 17 A. Correct.
 18 Q. And are you familiar with Mr.
 19 Al-Sheikh?
 20 A. I was at the time.
 21 Q. Do you now if he has suffered any

42 (Pages 391 to 394)

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1 adverse consequences for his role in this
2 particular document?

3 A. I don't, do not.

4 Q. There's nothing in the document that
5 indicates what the purpose of the money that's
6 requested is for, is there?

7 A. No.

8 Q. And this document, which is dated in
9 September of 2001, also coincides with a
10 cease-fire declared by President Arafat, right?

11 A. Again, I don't recall the dates of the
12 cease-fire precisely. Last time we had it, we
13 were off a little bit, so it's somewhere around
14 there. I don't know if it predated it or
15 followed it. Most of these cease-fires are short
16 lived.

17 MR. HILL: Let's mark this one.
18 (Defendant's Deposition Exhibit Number
19 206 was marked for identification.)

20 (Brief Recess.)

21 BY MR. HILL:

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1 September 20th, 2001, which is the next day,
2 right?

3 A. Correct.

4 Q. The first photograph of the Haaretz
5 article says, "President -- Palestinian Authority
6 Chairman Yasser Arafat convened Thursday night an
7 urgent session of the leaders of all the
8 Palestinian political factions to emphasize the
9 utmost importance he places on keeping the
10 cease-fire he declared and to make clear his
11 determination to see the cease-fire enforced."

12 Do you see that, sir?

13 A. Yes.

14 Q. Okay. And that article reported that
15 meeting as occurring on the same day that the
16 document that's Page 20 of the Naveh report
17 purports to have President Arafat's signature,
18 right?

19 A. It's not clear it's the same day but
20 it's somewhere within that week.

21 Q. It's within a day, right?

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1 Q. Dr. Levitt, I've shown you what we've
2 marked as Exhibit Number 206. This is another
3 article from Haaretz, right?

4 A. Yes.

5 Q. It's dated September 20th, 2001,
6 correct?

7 A. Yes.

8 Q. And the document that we've been
9 looking at from Mr. Al-Sheikh purports to have
10 President Arafat's signature affixed on it on
11 September 19th, 2001, right?

12 A. I'm sorry, I lost that one. What page
13 are we on?

14 Q. On Page 20 of the second version of
15 the Naveh report, down at the bottom.

16 A. Right.

17 Q. It purports to have Yasser Arafat's
18 signature, the date is September 19th, 2001,
19 right?

20 A. Correct.

21 Q. Okay. And this article is dated

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1 A. Well, I don't know what day of the
2 week September 20th is. And then it says,
3 "Convened Thursday night," so.

4 Q. Okay. If September 20th was a Friday,
5 then the meeting where he emphasized the
6 importance of keeping the cease-fire would be
7 exactly the same day that he purported to sign
8 the document that's shown on Page 20 of the Naveh
9 report, right?

10 A. It would be.

11 Q. Document Number 5 on Page 13 of
12 Exhibit 198, the chart that you referred to on
13 Page 16 of your report, relates to a document
14 that's supposedly dated January 20th, 2001,
15 right?

16 A. Correct.

17 Q. Okay. And if you'll look at the
18 second version of the Naveh report on Page 21?

19 A. Exhibit 205?

20 Q. 205. Thank you.

21 A. On page?

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1 Q. 21.
 2 A. 21. Okay.
 3 Q. Does that document which is on Page 21
 4 of Exhibit 205 appear to be the document that's
 5 listed as Number 5 on Page 13 of Exhibit 198?
 6 A. Yes.
 7 Q. And, in fact, the document on Exhibit
 8 21 shows the correct date is January of 2002,
 9 right? Not 2001 as shown on the chart of 198?
 10 A. Well, the fax -- oh, I see. No,
 11 you're -- yes, January 2nd.
 12 Q. So at the top there's a fax line,
 13 January 20th, '02, right?
 14 A. Right.
 15 Q. And at the bottom there is a
 16 translation that purports to be President
 17 Arafat's signature dated January 7th, 2002,
 18 right?
 19 A. Correct.
 20 Q. And, again, January 7th, 2002 was
 21 coincident with a cease-fire that President

Page 401

1 A. I have.
 2 Q. Have you ever written about him?
 3 A. Yes.
 4 Q. Do you have any idea if the Israelis
 5 killed him?
 6 A. I think they did, and I don't remember
 7 offhand, and I certainly don't remember the date.
 8 Q. And this document does not indicate
 9 what the monies that are requested here are for,
 10 does it?
 11 A. No.
 12 Q. And it does not indicate whether the
 13 money that's requested has, in fact, been -- was,
 14 in fact, paid, right?
 15 A. No. It appears to have been in the
 16 works for some time because the bottom -- the
 17 signature line is not January but July, for what
 18 purports to be Yasser Arafat's signature.
 19 Q. Are you familiar with the Israeli
 20 convention of putting the day of the month before
 21 the month of the year when they date documents,

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1 Arafat had declared, right?
 2 A. I don't know.
 3 Q. Do you recall that there was a
 4 cease-fire at the end of 2001 and beginning of
 5 2002 that was broken when the Israelis
 6 assassinated Ra'd Karmi?
 7 A. There were lots of these cease-fires
 8 that were broken by one or the other side. I
 9 think this is one, if memory serves, we were
 10 talking about yesterday, but I, to be honest,
 11 don't have the dates of each of them memorized.
 12 Q. Well, this letter that is shown on
 13 Page 21 of the Naveh report purports to be from
 14 Ra'd Al Karmi, right?
 15 A. Correct.
 16 Q. That is the same person that was
 17 assassinated by the Israelis on January 14th,
 18 2002, right?
 19 A. I don't know. You'd have to show me
 20 something to --
 21 Q. Have you ever heard of Ra'd Al Karmi?

Page 402

1 sir?
 2 A. So you're saying it's January 7th?
 3 Q. That's what it appears to me, sir. Do
 4 you have a reason to believe that's a date other
 5 than January 7th?
 6 A. Well, something's not adding up.
 7 Either one of these dates is wrong or there's a
 8 misprint or someone's using one type of dating in
 9 one place or another. If, in fact, this is dated
 10 January 20th, then it wasn't signed several days
 11 earlier, unless it was post-dated or something
 12 like that.
 13 Q. Well, it could have been signed on
 14 January 7th and faxed on January 20th, right?
 15 A. Yes. Oh, I see. There's actually two
 16 fax lines. I didn't realize the top one was a
 17 fax line in this version you've given me on Page
 18 21 of Exhibit 205. The one is clearly, a few
 19 lines down, a fax printed out, very small writing
 20 of the date. Fatah office's fax number, that's
 21 clearly a fax line, but right at the top, under

44 (Pages 399 to 402)

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1 Document Number 2, there's a date which I thought
2 was the printed date of the document based on
3 what you've given me here, but it was apparently
4 maybe a recreation, but it's a fax line of some
5 sort. And there's something odd with it because
6 it also has a date of September 29th, 1984. I
7 don't know exactly what that is.

8 Q. Do any of these multiple dates cause
9 you to question the authenticity of this
10 document?

11 A. Well, it's not clear that this is the
12 version of the document that is being referred to
13 here. We're combining multiple sources here.

14 Q. Yeah. Have you actually studied this
15 document before you ended up citing the IDF
16 report, summarizing this document in your report?

17 A. Yes, but I don't know that the one I
18 was using is the one that you're sharing with me
19 here in 205.

20 Q. So you think there might be an
21 entirely different version of this document that

Page 405

1 Q. Even though it doesn't say this is for
2 terrorism?

3 A. Well, that's not what you asked.

4 Q. Well, no, it doesn't say it was for
5 terrorism, does it?

6 A. It doesn't say what it's for. It just
7 says to whom it's giving the funds, and the
8 individuals are individuals that are known to
9 have engaged in acts of terrorism.

10 Q. And the document is dated at the time
11 when there was a cease-fire, right?

12 A. Yes.

13 Q. On Exhibit Number 198, the next
14 document in the list that you rely on is Document
15 Number 6, and this refers to a document that's
16 allegedly associated with Mr. Shubaki. Turn, if
17 you would, to Page 19 of the Naveh report.

18 A. So that's 205 again?

19 Q. I think this is the other one. I
20 think this is 203, Page 19.

21 A. Okay. So the foreign affairs version?

Page 404

1 you've seen?

2 A. Well, at least in terms of that
3 header, where it says Document Number 2. That's
4 clearly not from the original. That's from this
5 report.

6 And then the piece right under it,
7 where it's stating out it's a fax, that appears
8 to be someone typing up what is actually below.

9 And the August date, the one from
10 1984, that just -- it actually appears in teeny,
11 teeny, tiny print below the actual fax printout
12 of the fax number, and it's been a long time
13 since we all used fax machines like that with the
14 curly, curly paper, but, you know, if you have it
15 programmed with some certain date, anything can
16 be printed out there, so that don't necessarily
17 mean anything.

18 Q. But you think this document is
19 reliable support for your conclusion that the PA
20 was providing funds to terrorists, right?

21 A. Yes.

Page 406

1 Q. Um hum.

2 A. Page 19? Okay.

3 Q. And the document that appears on the
4 top of Page 19 is the document that's being
5 referenced on Page 13 at Number 6 of Exhibit 198,
6 right?

7 A. It's hard to say. I wonder if it's in
8 the version in 205, which appears to have the
9 actual documents, as opposed to 203, which
10 doesn't have the documents. That would be a lot
11 easier.

12 Q. Well, the document's right there on
13 Page 19, isn't it, sir?

14 A. There's a translation, then there's a
15 teeny, tiny document, but we don't have full
16 documents.

17 Q. Well, you can't read the Arabic
18 anyway, can you?

19 A. No.

20 Q. Why don't we work off Page 19 then.

21 You would agree with me that the translation that

Page 407

1 shows on Page 19 of the Naveh report that we've
2 marked as 203 doesn't have the name Shubaki on
3 it, right?

4 A. Correct. We don't have the cover --
5 in this version, at least, we don't have the
6 cover letter that appears to go with these two
7 lists. This is the same conversation we had
8 before the break, only we were then talking about
9 the second document in the series.

10 Q. Exactly. And, in fact, you don't cite
11 that cover letter in your report, do you, sir?

12 A. The cover letter's not here.

13 Q. All right. On Page 17 of your report,
14 you reference a November 17th, 2001 letter to the
15 mayor of Bethlehem.

16 A. Top of the page?

17 Q. Yeah.

18 (Defendant's Deposition Exhibit Number
19 207 was marked for identification.)

20 BY MR. HILL:

21 Q. We're showing you what we've marked as

Page 409

1 Do you agree that this IDF report that you cited
2 in Footnote 56 is actually no longer in
3 existence?

4 A. Sitting here right now, without being
5 able to check, I couldn't tell you. It's very
6 possible, I think likely, that this is the same
7 document, as I said, only with a different header
8 on it in terms of instead of IDF, they'll say
9 ITI.

10 Q. Okay. Well, is the document that
11 you're quoting on Page 17 in this exhibit that
12 we've just marked?

13 A. Let's look.

14 (Witness Reviews Document.)

15 A. What you have given me here is missing
16 material. We've got four pages, then Page 5 of 5
17 is basically blank other than the top shows a
18 seal. The next page is completely blank, and
19 then there's a completely separate document which
20 starts at Page 1 of 2.

21 Q. So you would agree that this is not a

Page 408

1 Exhibit Number 207. This is the document that
2 you cite in Footnote 56 on Page 17 of your
3 report, correct?

4 A. Let's see. It appears like what I'm
5 citing to is a slightly earlier version. I don't
6 have it cited to this ITIC Center, but it appears
7 to be the same document.

8 Q. So you're actually citing to an IDF
9 report here, right?

10 A. As we discussed, that's usually how
11 these first came out, as an IDF report or an
12 ITI/MI report and then were publicized through
13 this, the Center.

14 Q. And have you seen this IDF report
15 lately?

16 A. Like I said, I think this is it, just
17 added a version that's printed up on this website
18 subsequently.

19 Q. Okay. So when I asked the plaintiffs'
20 lawyers to send me this document, this was
21 another one they told me didn't exist anymore.

Page 410

1 different version of the IDF report that you've
2 cited, right?

3 A. Well, again, it may still be. It's
4 just an incomplete one. I don't know where you
5 got this or -- this is actually from the way-back
6 machine. This is an archive website, which will
7 archive what they found available, so apparently
8 they found available portions of the report
9 probably for technical reasons that are well
10 beyond me, but not the whole thing.

11 Q. Well, look back at the Naveh report
12 that we've marked as Exhibit Number 203.

13 A. Okay. Hold on, please. 203.

14 Q. And on Page 47 and 48, tell me if
15 that's the document, or at least a translation of
16 the document you're referring to on Page 17.

17 MR. HORTON: Is that Page 47?

18 THE WITNESS: The last two pages, Page
19 47.

20 A. Yes, this appears to be the same
21 letter.

46 (Pages 407 to 410)

Page 411

1 Q. Okay. And you used this letter to
2 indicate that there's a connection between Fatah
3 and AAMB, again because somebody wrote Fatah and
4 AAMB on the document, right?

5 A. Well, that's certainly as one of the
6 take-aways, though this isn't -- not in that
7 section of the report. This is in a section of
8 the report on the involvement of the Palestinian
9 Authority in terrorism more generally.

10 Q. So you think this document indicates
11 the Palestinian Authority was involved in
12 terrorism?

13 A. It indicates a relationship between
14 the Palestinian Authority and a group that was
15 engaging in terrorism.

16 Q. Now, the Naveh report on Page 46, in
17 Paragraph 2b --

18 A. 46?

19 Q. Paragraph 2b refers to this letter as
20 being sent by a protection racket. Do you see
21 that, sir?

Page 413

1 A. I couldn't tell you.

2 Q. Well, in any event, the November 17th
3 document that you cite in your report does not
4 contain any indication that any money was paid as
5 a result of receiving that document, does it?

6 A. The November 17th document?

7 Q. The one you cite that's on -- the
8 translation of which is apparently on Page 47 and
9 48 of the Naveh report doesn't indicate that any
10 money was paid?

11 A. Well, it indicates that -- I'm in the
12 first full paragraph on the last page. It's Page
13 48 of 203. Towards the end of that paragraph, it
14 does indicate that we want, "To draw your
15 attention to the fact and tell you that we pay
16 the LC Public Trade Company, owned by Faez
17 Hazboun, a sum which does not exceed 5,000
18 shekels a month as fees used for the
19 communication sets by military armed personnel."
20 Then there's a note which is clearly added.

21 Q. Right. But there's no indication in

Page 412

1 A. 2b.

2 (Witness Reviews Document.)

3 A. No, that's referring to a different
4 document. If you'll flip back, please, to Page
5 45 at the bottom, which is where this begins. 2b
6 is a continuation of this discussion. It says,
7 subhead, "Bethlehem - Mistreatment of the
8 Christian Population. 1. A document captured by
9 the IDF in Bethlehem during Operation Defensive
10 Wall concerns a request by," and continues to
11 discuss this document and a request dated
12 November 7th, 2001, and then continues to discuss
13 this document in 2a and 2b and 2c, so it appears
14 that that's actually a completely different
15 document.

16 Q. So you think that there's actually two
17 documents sent to the PA in Bethlehem, one on
18 November 7th and one on November 17th?

19 A. That's what appears to be here.

20 Q. Well, where's that November 7th
21 document?

Page 414

1 the document that the Bethlehem mayor, who was
2 the addressee of the letter, paid any money in
3 response to this letter, did he?

4 A. All we have is what it says in the
5 letter. He mentions that this fee is being paid
6 or has been paid, but not what will be
7 subsequently paid because of the letter.

8 Q. Okay. But it doesn't say that that
9 amount was paid by the Bethlehem mayor, does it?

10 A. No. It's to the Bethlehem mayor.

11 Q. Right.

12 A. It's from Fatah Al Aqsa Martyrs.

13 Q. Right. So the author is not named on
14 the document, right?

15 A. Correct.

16 Q. And you haven't spoken to the author?

17 A. Correct.

18 Q. You haven't spoken to the Bethlehem
19 mayor who received it, right?

20 A. Correct.

21 Q. On Page 18 of your report, you make

Page 415

1 reference in the third paragraph on that page to
 2 a report entitled, "International Financial Aid
 3 to the Palestinian Authority redirected to
 4 Terrorist Elements." Do you see that?
 5 A. No. Hold on a second. This is the
 6 paragraph that starts, "The 500,000"?
 7 Q. No. The one above that.
 8 A. Yes.
 9 Q. And are you aware that the European
 10 Union considered this report and determined that
 11 the conclusions it contained were unwarranted?
 12 A. No.
 13 Q. Did you think it was important to
 14 consider the EU's response to this report before
 15 you determined whether you would rely on the
 16 report to support your opinions?
 17 A. I did. In fact, I met with the
 18 Europeans about this.
 19 Q. You did? What was the name of the
 20 Europeans that you met with about this, sir?
 21 A. I don't recall. It was a meeting in

Page 416

1 Brussels with Middle East officials.
 2 Q. You can't come up with one name of a
 3 person that you met?
 4 A. No.
 5 Q. Did you convince them that the
 6 Israelis were right?
 7 A. No. My job is not to convince the
 8 Europeans the Israelis are right or wrong. It
 9 was to have a discussion and really more for them
 10 to speak and for me to get a sense of their on
 11 the issue.
 12 Q. And their position on the issue was
 13 that, "On the basis of information currently
 14 available to the European Anti-Fraud Office, the
 15 investigation has found no conclusive evidence of
 16 support of armed attacks or unlawful activities
 17 financed by the European Commission's
 18 contributions to the PA budget," right?
 19 A. That was ultimately part of the
 20 report. In fact, it was much more complicated
 21 than that, but so long as a dollar wasn't handed

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1 from one person directly to someone who's
 2 carrying out an attack for the express purpose of
 3 carrying out the attack, the EU wasn't going to
 4 cut back the funding which it felt was critical
 5 for the sustenance and the continued viability of
 6 the Palestinian Authority, which it and the U.S.
 7 Government, for that matter, saw as a primary
 8 interest.
 9 Q. Sir, you did not cite the EU's
 10 response to this Israeli report in your report,
 11 did you, sir?
 12 A. No.
 13 Q. You just cited the Israeli Government
 14 report, right?
 15 A. Correct.
 16 Q. Also on Page 18, you refer to someone
 17 named Abu, A-B-U, Hanud, H-A-N-U-D, right?
 18 A. Yes. Mahmud, M-A-H-M-U-D?
 19 Q. Right.
 20 A. Abu Hanud.
 21 Q. Right. And you indicate that in the

Page 418

1 second sentence of the second paragraph on Page
 2 18, "Abu Hanud was released from prison in
 3 October 2000 and immediately orchestrated a
 4 number of Hamas suicide bombing attacks targeting
 5 Israeli civilians. He was later killed by
 6 Israeli forces." Right?
 7 A. Correct.
 8 Q. And you cite for that proposition
 9 Footnote Number 61, right?
 10 A. Yes.
 11 Q. And that is a Washington Post article,
 12 right?
 13 A. It is a Reuters article and a
 14 Washington Post article.
 15 MR. HILL: So let's mark this one.
 16 (Defendant's Deposition Exhibit Number
 17 208 was marked for identification.)
 18 BY MR. HILL:
 19 Q. So, sir, Exhibit Number 208 is a
 20 printout of The Washington Post article that you
 21 cite in Footnote 61 of your report, right?

48 (Pages 415 to 418)

Page 419

1 A. It looks like it. It's not the exact
2 same edition. Mine is the November 24th edition,
3 and this is the final edition that came out on
4 the 25th.

5 Q. Any reason to think that this is the
6 wrong article?

7 A. Not a question of wrong. I'm sure
8 it's the same article, but there can be slight
9 differences.

10 Q. And do you regard The Washington Post
11 as a reliable press source, as press sources go?

12 A. Yes.

13 Q. On Page 2 of this printout, the eighth
14 paragraph down says, "He was still a prisoner on
15 May 18th when Israeli F-16 jets struck the prison
16 where he was incarcerated, the first aerial
17 bombing in the West Bank since the 1967 Middle
18 East War. The strike was in retaliation for a
19 suicide bombing in the Israeli coastal resort of
20 Netanya earlier in the day, which killed five
21 people. Israeli officials acknowledge that the

Page 421

1 Q. Do you believe it's misleading to have
2 said in your report that he was released when the
3 reason he got out of jail was because the jail
4 was bombed?

5 MR. HORTON: Objection to the form.

6 A. It doesn't say here that that's
7 actually what happened. It says here that the
8 jail was bombed, and then they kind of decided
9 they couldn't continue to hold him because he was
10 made into a folk hero, so you're going to have to
11 go somewhere else to find someone who's going to
12 say that the bombing of the jail was a good idea.
13 I don't.

14 But the fact is that here is a guy who
15 had multiple murders on his hands, was in jail,
16 and it's like my kids. If one kid does something
17 wrong, it doesn't mean the other one can do
18 something wrong either. Abu Hanud is someone who
19 should have stayed in jail and didn't, went back
20 to more terrorism, and that's a problem.

21 It's also a problem that the Israelis

Page 420

1 target of their planes was Abu Hanud." Do you
2 see that, sir?

3 A. Yes.

4 Q. Do you recall that the Israelis used
5 F-16 jets to bomb a Palestinian jail in the West
6 Bank to try and kill Abu Hanud?

7 A. Yes.

8 Q. The next paragraph says, "Eleven
9 Palestinian policemen were killed in the bombing
10 raid, which reduced a large section of the
11 Palestinian security headquarters in Nablus to
12 rubble, but Abu Hanud survived virtually
13 unscathed and went free. Palestinian officials
14 said Israeli attempts to kill Abu Hanud had made
15 him into a folk hero and they could hardly
16 continue to hold him." Do you see that, sir?

17 A. Yes.

18 Q. Now, you refer in your report to
19 Hanud's leaving the prison in Nablus as a
20 release, right?

21 A. Yes.

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1 bomb the jail with an F-16.

2 Q. What do you think the PA should have
3 done after the Israelis blew up the jail that was
4 holding him?

5 A. They should have put him in another
6 jail.

7 Q. So the Israelis could blow that one
8 up, too?

9 A. Well, what they should have done is
10 put him in another jail and come to us, the
11 Americans and the Europeans, et cetera, and said,
12 "We're only going to continue to hold people if
13 this kind of rule will be respected, and he's in
14 jail. If he's in jail, he's in jail. That's not
15 fair game."

16 Q. In fact, the Israelis repeatedly
17 targeted PA security facilities for bombings
18 during the second Intifada, didn't they?

19 A. There were some instances where they
20 hit Palestinian security facilities because they
21 found that these Palestinian security facilities

Page 423

1 were being used as places to harbor individuals
2 and engage in attacks. Again, I might have made
3 a different call, but this was the nature of
4 dealing with a peace partner who was proclaiming
5 peace and proclaiming cease-fires on the one hand
6 and doing other things to undermine the peace
7 process on the other hand, often at the very same
8 time.

9 We've seen these payments to known
10 individuals who have been engaging in terrorism
11 that were going on at the very same time as a
12 cease-fire.

13 Q. On Page 9 of your report, you quote
14 someone named Marwan, M-A-R-W-A-N, Zaloum,
15 Z-A-L-O-U-M, right?

16 A. Page 9? Where are you on Page 9?

17 Q. Second paragraph.

18 A. Yes.

19 Q. And you've not spoken to Mr. Zaloum,
20 right?

21 A. Right.

Page 424

1 Q. Now, you cite an article in Footnote
2 Number 10 containing that quote from Mr. Zaloum,
3 right?

4 A. Correct.

5 MR. HILL: Let's mark this.
6 (Defendant's Deposition Exhibit Number
7 209 was marked for identification.)

8 BY MR. HILL:

9 Q. This is another article from Haaretz,
10 right?

11 A. Yes.

12 Q. This is what you cite in Footnote 10
13 of your report, right?

14 A. Correct.

15 Q. All right. This one's dated March
16 22nd, 2002.

17 A. Correct.

18 Q. All right. The first paragraph of
19 this article says, "A downcast Yasser Arafat
20 appeared on Palestinian TV last night and under
21 heavy American pressure read out, in Arabic, a

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1 'vehement' condemnation of yesterday's Jerusalem
2 bombing, as the U.S. declared that the Al Aqsa
3 Martyrs Brigade was being added to the U.S. list
4 of terrorist organizations, along with al-Qaida."

5 Now, you did not quote the portion of
6 this article that mentioned that President Arafat
7 had condemned that bombing, did you?

8 A. No. Of course I wasn't talking about
9 the bombing here. I was not writing about the
10 bombing here.

11 Q. And so you acknowledge that President
12 Arafat made that statement, right?

13 A. Yes. I don't remember it, but there's
14 no reason to question this media account.

15 Q. If you look at the ninth paragraph
16 down, it says, "'We condemn the action in west
17 Jerusalem, particularly because it was aimed at
18 innocent Israeli citizens,' said Arafat, who went
19 on to say that the PA 'will continue to invest
20 every effort to ensure the success of Zinni's
21 mission and of that of the 'Quartet', to stop the

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1 escalation and violence and start the
2 implementation of the Tenet understandings and
3 the Mitchell recommendations, to bring permanent
4 just peace, to end the occupation and guarantee a
5 better future for our children and their
6 children'." Do you see that, sir?

7 A. I do.

8 Q. That's also a quote from President
9 Arafat that you did not include in your report,
10 right?

11 A. Correct.

12 Q. Are you familiar with someone called
13 Yasser Abed Rabo?

14 A. Yes.

15 Q. Who is Yasser Abed Rabo?

16 A. He's a senior PA and Fatah official
17 who held multiple different roles over the course
18 of his career.

19 Q. You ever interviewed Mr. Abed Rabo?

20 A. I may have. I don't recall.

21 Q. In the fifth paragraph from the

Page 427

1 bottom, the Haaretz reports, "Yasser Abed Rabo
2 said that, 'We cannot control everything. In
3 effect, the destruction and mourning caused by
4 the IDF operations in the last few weeks demands
5 of us deeper political work to convince the
6 military organizations to cease the attacks, not
7 only policing'." Do you see that, sir?

8 A. I do.

9 Q. And that's another quote from a
10 Palestinian that you did not put in your report,
11 right?

12 A. Correct.

13 Q. On Page 10 of your report, at Footnote
14 18, you cite to this IDF Military Intelligence
15 report that we've looked at earlier today. Could
16 you find that one again, sir?

17 A. Find the report?

18 Q. Yeah. It's the one entitled The Al
19 Aqsa Martyrs Brigade and the Fatah Organization
20 are One and the Same.

21 A. You wouldn't happen to know what

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1 A. I don't think so.

2 Q. Look at Paragraph b, it says, "Hassan
3 Yousef, a senior Hamas activist in Ramallah,
4 suggested to Arafat [in irony?] to 'calm the
5 Fatah down' and stop its operations. Arafat [on
6 the background of his inconvenience due to the Al
7 Aqsa Martyrs Brigades attack] replies to Hassan
8 Yousef that the brigades are Fatah personnel who
9 seceded." Do you see that, sir?

10 A. I do.

11 Q. All right. The brackets have been
12 added by the Israeli author of the report, right?

13 A. Right.

14 Q. You did not quote the statement
15 contained in this document where President Arafat
16 said that the AAMB are Fatah personnel who
17 seceded, did you?

18 A. Correct.

19 Q. It also says that, "Later in the
20 document, it is noted that Arafat tried to prove
21 that the Jerusalem pedestrian mall attack was

Page 428

1 exhibit number that is?

2 Q. I do not.

3 A. All right. We'll find it.

4 Q. It is Exhibit 200, sir.

5 A. You're one document ahead of me. All
6 right. 200.

7 (Witness Pausing.)

8 Q. Look, if you will, at Page 4 of
9 Exhibit 200, sir.

10 A. Page 4?

11 Q. Um-hum.

12 A. Okay.

13 Q. Paragraph 5 there refers to, "A
14 captured document concerned with a meeting of the
15 'National and Islamic Forces'." Do you see that,
16 sir?

17 A. I do.

18 Q. Have you ever looked at that document?

19 A. Possibly.

20 Q. Didn't cite that document in your
21 report, did you?

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1 carried out by the PIJ and not the Al Aqsa
2 Martyrs Brigades [note: Also a lie]." Do you
3 see that?

4 A. Yes.

5 Q. And, again, the bracket indicating
6 that President Arafat was lying was added by the
7 Israeli author of the report?

8 A. Yes.

9 Q. And, in fact, the United States has
10 said that that particular attack was carried out
11 by the PIJ, right?

12 A. I'm not sure.

13 (Defendant's Deposition Exhibit Number
14 210 was marked for identification.)

15 BY MR. HILL:

16 Q. Dr. Levitt, I'm handing you what's
17 been marked as Exhibit Number 210. This is a
18 document called Patterns of Global Terrorism
19 2002. This is a document that you actually cite
20 in Footnote 13 in your report, right?

21 A. Yes.

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1 Q. Turn, if you would, to Page 85. On
2 Page 85, it says, "21 March, Israel, in
3 Jerusalem, a suicide bomber detonated the
4 explosive device he was wearing, killing three
5 persons and wounding 86, including two U.S.
6 citizens, according to U.S. Consulate and media
7 reporting. The Palestinian Islamic Jihad claimed
8 responsibility." Do you see that, sir?

9 A. Yes.

10 Q. Do you have any reason to doubt that
11 that was a PIJ attack?

12 A. Plenty. I can't tell you who did it,
13 but in this period of time, multiple groups would
14 often claim the same attack. It was often very
15 difficult, just claimed on claims of
16 responsibility in a first instance, to know who
17 did it, so it's very common, in fact, for claims
18 to be later on found to be wrong.

19 Q. Okay.

20 A. So it's actually not the State
21 Department saying this was saying this was

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1 terrorist attacks, wanted to seem tougher than
2 the next guy or what have you. Sometimes they
3 would carry out -- I'm sorry. Sometimes they
4 would issue competing claims because they didn't
5 realize -- they were plotting an attack and
6 didn't realize someone else was plotting an
7 attack the same day and, you know, the other
8 group succeeded before their guy got there and so
9 they really thought it was their guy and it
10 wasn't.

11 There are lots of reasons why these
12 claims were issued, and it often took time to
13 figure out, for example, who the bomber was and
14 do the forensics and then go back and figure who
15 he belonged to or who dispatched.

16 Q. The United States Government has
17 provided money to the PA over the years, right?

18 A. Yes.

19 Q. And the United States Government has
20 also given financial aid to Fatah, right?

21 A. I don't know if that's true.

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1 carried out by PIJ, but the State Department
2 saying that the PIJ claimed responsibility.

3 Q. So the fact that somebody claims
4 responsibility doesn't mean that they did it,
5 right?

6 A. On its own -- it may, but on its own,
7 there's often -- in this time there's a lot of
8 competing stuff going on. It says something
9 about the group if that's the type thing they
10 want to claim, whether or not they did it, right,
11 but that alone.

12 Q. In fact, there were groups at the time
13 that claimed responsibility for things they
14 didn't do because they thought it enhanced their
15 credibility or their position in society, right?

16 A. I don't know if that's the case.

17 Q. But people were, for whatever reason,
18 making false claims of responsibility for
19 terrorist actions, right?

20 A. There were multiple terrorist groups
21 that, for whatever reason, wanted to carry out

Page 434

1 Q. Did they aid Fatah in the 2006
2 elections?

3 A. I don't know.

4 Q. The PA has never been designated by
5 the United States as a foreign terrorist
6 organization, right?

7 A. So at one point the PA was kind of
8 banned under the Reagan Administration. I don't
9 think it was -- there was no --

10 Q. The PA didn't exist in the Reagan
11 Administration, did it, sir?

12 A. I'm sorry. Did you say PA?

13 Q. Yes, sir.

14 A. I'm sorry. I was talking about the
15 PLO.

16 Q. Okay.

17 A. So the PA was never banned.

18 Q. It's never been designated as a
19 foreign terrorist organization?

20 A. No.

21 Q. And the PLO has never received the

Page 435

1 State Department designation as a foreign
2 terrorist organization, right?
3 A. Not that title, no.
4 Q. And, in fact, the United States
5 Government has given money to the PA in recent
6 years, right?
7 A. Yes.
8 Q. Substantial amounts of money, right?
9 A. Yes.
10 Q. Millions and millions of dollars?
11 A. I don't know the number.
12 Q. And the U.S. Government also allows
13 the PLO to maintain offices in the District of
14 Columbia and New York, right?
15 A. Yes. They were shut down for a
16 period, but there was a little debate about it.
17 Q. You've also referenced the Canadian
18 Government's determinations about certain
19 terrorist groups in your report, right?
20 A. Can you put point me somewhere,
21 please?

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1 Q. Footnote 6 in your report, sir.
2 MR. HILL: Mark that.
3 (Defendant's Deposition Exhibit Number
4 211 was marked for identification.)
5 A. Yes.
6 BY MR. HILL:
7 Q. I've handed you what we've marked as
8 Exhibit 211. This is the Canadian list that you
9 refer to in Footnote 6 of your report on Page 9,
10 right?
11 A. Yes.
12 Q. All right. If you turn to Page 6 of
13 that report, sir, there's a reference to the
14 AAMB, right?
15 A. One second, please. Yes.
16 Q. And in that designation, the Canadian
17 Government states that the AAMB, "Consists of
18 loose cells of Palestinian militants loyal to,
19 but not under the direct control of, the
20 secular-nationalist Fatah party." Do you see
21 that, sir?

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1 A. Yes.
2 Q. You did not include the Canadian
3 Government's analysis of AAMB in your report, did
4 you, sir?
5 A. No.
6 Q. On Page 13 of your report, sir, you
7 have a quote from someone named Mahmoud Zahar,
8 M-A-H-M-O-U-D, Z-A-H-A-R?
9 A. In the last paragraph?
10 Q. Yes, sir. And it's Footnote 37 that
11 purports to quote Mr. Zahar?
12 A. Okay. Yep.
13 Q. And have you ever spoken with Mr.
14 Zahar?
15 A. No.
16 Q. And this particular article purports
17 to be quoting a speech he made. Did you listen
18 to the speech?
19 A. I don't recall.
20 Q. Was he speaking in a language you can
21 understand?

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1 A. I don't recall if I listened to the
2 speech or not. If I did listen to it, it
3 probably would have been in Arabic and I would
4 have had it translated it, or received it in
5 translation.
6 (Defendant's Deposition Exhibit Number
7 212 was marked for identification.)
8 BY MR. HILL:
9 Q. And Mr. Zahar, who you're quoting
10 from, is someone who is associated with Hamas,
11 right?
12 A. Correct.
13 Q. And you have quoted him here on Page
14 13 in your report because you believe what he
15 said to be true, right?
16 A. Yes.
17 Q. Now, Mr. Zahar also said that
18 President Arafat had been assassinated. Do you
19 believe that to be true?
20 A. I'm sorry, where are you looking?
21 Q. Third paragraph from the bottom,

Page 439

1 "Zahar claimed that Arafat's decision to
2 negotiate with Israel was one of the reasons that
3 led to his 'assassination'." Do you see that?

4 A. Yes.

5 Q. So do you believe Mr. Zahar when he
6 says that Arafat was assassinated?

7 A. I believe that Mr. Zahar probably
8 thinks Arafat was assassinated. He wouldn't be
9 the only Palestinian to believe that.

10 Q. So you did not put Mr. Zahar's claim
11 about President Arafat's assassination in your
12 report, right?

13 A. No.

14 Q. Now, what was the relationship between
15 Hamas and the PA at the time these statements
16 were made in 2010?

17 A. By 2010, Hamas is in control of the
18 Gaza Strip, Fatah is in control of the West Bank,
19 and they are none too pleased with one another.

20 Q. So would you agree with me that Mr.
21 Zahar had a motive to speak incorrectly about

Page 441

1 PA was in cahoots with Hamas, right?

2 A. Well, I don't see him saying that
3 here, so I don't have the context -- no,
4 actually, at one point he does towards the
5 bottom. He urges PA President Abbas to pull out
6 immediately from the talks with Israel.

7 Q. So his statement could be designed to
8 torpedo the talks between the PA and Israel,
9 right?

10 A. Right. It doesn't mean that it's
11 inaccurate. He's saying, "Look, even your
12 successor was involved in real resistance," as he
13 would put it. "Don't cop out to negotiations."

14 Q. So you agree that he might have had a
15 motive to speak untruthfully on this occasion?

16 A. No, I didn't say that. I don't think
17 he has motive to speak untruthfully. He probably
18 feels it's an opportunity to tell what happened
19 from his perspective and, thereby, put pressure.
20 What he has a motive of is to put pressure on Abu
21 Mazen.

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1 President Arafat's actions during the second
2 Intifada?

3 A. If he did, this would not have been
4 the way he would have done it. To a senior Hamas
5 official, this is singing praise of Arafat. If
6 he had wanted to speak ill of him, he would have
7 said that -- something along the lines of, "Well,
8 while we were sacrificing our sons for the cause
9 of liberation, Arafat was sitting comfy and not."
10 From a Hamas perspective, this would not be.

11 Q. Well, this was at a time the successor
12 to President Arafat, President Abbas, was trying
13 to restart peace talks with Israel, right?

14 A. I don't remember the exact dates, but
15 that's constantly been going on.

16 Q. And Hamas is opposed to peace talks
17 with Israel, right?

18 A. Correct.

19 Q. These statements could be taken to
20 undermine the efforts of the PA to start peace
21 talks by suggesting that the former leader of the

Page 442

1 Q. And you agree that making this
2 statement put pressure on Abu Mazen?

3 A. No, I don't. I think that he thought
4 it might have. I think it probably backfired.

5 Q. In what way?

6 A. In that there was no way that Abu
7 Mazen was going to support violence. Abu Mazen
8 has come out very, very vocally many, many times
9 condemning the violence that happened during the
10 second Intifada and pledging to keep that very
11 far away from the Palestinian Authority.

12 He's one of the first people to
13 support the idea of creating a new Palestinian
14 security service of vetted people who were not
15 involved in the fighting in the second Intifada,
16 because so many of them were, even though those
17 people who were trained by the U.S. under the
18 Dayton Mission were also vetted by the Israelis.

19 So I think that Abbas has demonstrated
20 his commitment to try and push the negotiation
21 process forward for a two-state solution. I

54 (Pages 439 to 442)

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1 think there was no chance that because Hamas kind
2 of, you know, waves its fist in the air, that Abu
3 Mazen was going to be pressured to do the same.

4 Q. On Page 14 of your report, you
5 reference some cases of PA involvement in
6 terrorist activity involving senior officials,
7 and you say, "For example, there is evidence that
8 Arafat approved funding for Palestinian
9 terrorists, including a June 2002 payment of
10 \$20,000 to the Al Aqsa Martyrs Brigades just as
11 the group claimed responsibility for a suicide
12 bombing in Jerusalem." Do you see that?

13 A. I do.

14 Q. And in Footnote 38, which is the
15 citation for the sentence I just read, you
16 reference a New York Times article, right?

17 A. Correct.

18 MR. HILL: Mark this.
19 (Defendant's Deposition Exhibit Number
20 213 was marked for identification.)
21 BY MR. HILL:

Page 445

1 A. Yes.

2 Q. And that's what you're referring to in
3 your report, right?

4 A. Yes.

5 Q. Look at the next page, Page 3. It
6 says, "The report, a senior official in
7 Washington said today, was delivered by Israeli
8 officials to the National Security Counsel, and
9 the Central Intelligence Agency did not have much
10 time to examine the information."

11 So the report that you're referring to
12 here, the evidence of the \$20,000, is an Israeli
13 intelligence report, right?

14 A. According to this.

15 Q. And have you ever seen that Israeli
16 intelligence report?

17 A. No.

18 Q. Have you ever spoken to anyone who has
19 seen that report?

20 A. Not to my knowledge.

21 Q. Do you have any idea what the content

Page 444

1 Q. Dr. Levitt, we've handed you Exhibit
2 213. That is The New York Times article that you
3 cite in Footnote 38 of your report, is that
4 correct?

5 A. Yes. An article, Bush Says
6 Palestinians Will Lose Aid if They Keep Arafat.

7 By the way, the printout here has some
8 strange typographic errors. Every once in awhile
9 it randomly prints out the number sign and a
10 bunch of digits, and it appears to be instead of
11 some word, FYI.

12 Q. Hopefully that won't affect the
13 relevant portion. Look at the bottom of the
14 second page. The second paragraph from the
15 bottom says, "The senior administration official
16 who briefed reporters today confirmed that the
17 President had received an intelligence report
18 that Mr. Arafat had approved a \$20,000 payment to
19 members of Al Aqsa Martyrs Brigades, a
20 Palestinian terror organization." Do you see
21 that, sir?

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1 of that report is other than what some senior
2 official in Washington told The New York Times?

3 A. No.

4 Q. Have you done anything to verify the
5 assertion that President Arafat authorized a
6 \$20,000 payment to the AAMB other than read The
7 New York Times?

8 A. Not this particular payment, no.

9 Q. On Page 17, the second paragraph --
10 hold on a second.

11 In the third paragraph, the third
12 sentence says, "In December 2001, Arafat would
13 order the closure of Hamas and PIJ offices yet he
14 rescinded the order days later." Do you see
15 that?

16 A. Yes.

17 Q. And for that proposition, you cite an
18 article, or maybe two articles, in Footnote 59,
19 right?

20 A. Correct.

21 (Defendant's Deposition Exhibit

Page 447

1 Numbers 214 and 215 were marked for
2 identification.)

3 BY MR. HILL:

4 Q. These are the two newspaper articles
5 that you cite in Exhibit 59, right?

6 A. Yes.

7 Q. But neither of these actually says
8 that the order was rescinded, does it?

9 A. I don't know. Let's have a look and
10 see.

11 (Witness Reviews Document.)

12 A. No, not in these.

13 Q. Later on that same page, in the third
14 paragraph, you say, "That same month, the
15 official Palestinian news agency Wafa reported
16 that the PA leadership had declared a state of
17 emergency which stipulated that 'only security
18 personnel and other licensed persons are allowed
19 to carry any sort of weapon.' Despite this
20 declaration, and its relevant Oslo commitments,
21 Arafat again disappointed as the PA did not

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1 part of that statement.

2 Q. Okay. So there is no document cited
3 for the second part of the statement, right?

4 A. No.

5 MR. HILL: Why don't we take a break.

6 I'm probably close to out of time, but let me
7 consult with my colleagues and see what my maybe
8 last question is.

9 MR. HORTON: Sure.

10 (Brief Recess.)

11 MR. HILL: Dr. Levitt, I don't have
12 any further questions for you at this time.

13 THE WITNESS: It's been a pleasure.

14 THE REPORTER: Reading and signing,
15 counsel?

16 MR. HORTON: Yes.

17 THE REPORTER: And copy of the
18 deposition?

19 MR. HORTON: Please.

20 (Reading and signing requested.)

21 (Deposition concluded at 3:29 p.m.)

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1 immediately begin the systematic confiscation of
2 the thousands of illegal weapons in the hands of
3 Hamas, PIJ, PFLP, PRC, and Fatah-associated
4 groups such as the Al Aqsa Martyrs Brigade." And
5 then you cite for that proposition Footnote 60,
6 right?

7 A. Correct.

8 MR. HILL: Let's mark this.

9 (Defendant's Deposition Exhibit Number
10 216 was marked for identification.)

11 BY MR. HILL:

12 Q. Dr. Levitt, we've handed you what
13 we've marked as Exhibit Number 216. This is the
14 document that you cite in Footnote 60, right?

15 A. Correct.

16 Q. And you would agree with me that this
17 document does not say that Arafat did not
18 immediately begin the systematic confiscation of
19 the thousands of illegal weapons?

20 (Witness Reviews Document.)

21 A. No, this is the citation for the first

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1 CERTIFICATE OF CERTIFIED COURT REPORTER

2 I, CHERYL JEFFERIES, a Certified Court
3 Reporter, do hereby certify that the within-named
4 witness personally appeared before me at the time
5 and place herein set out, and after having been
6 duly sworn by me, according to law, was examined
7 by counsel.

8 I further certify that the examination
9 was recorded stenographically by me and this
10 transcript is a true record of the proceedings.

11 I further certify that I am not of
12 counsel to any of the parties, nor in any way
13 interested in the outcome of this action.

14 As witness my hand this 30th day of
15 September, 2013.

16

17

Cheryl Jefferies

Certified Court Reporter

18

19

20

21

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1 DATE SENT: September 30, 2013
 2 ERRATA SHEET
 3 DEPOSITION OF: Dr. Matthew Levitt - Volume II
 4 DATE: September 25, 2013
 5 CASE: Mark Sokolow, et al vs. The
 6 Palestine Liberation Org, et al

INSTRUCTIONS:

- 7
 8 1. Please read the transcript of your deposition
 9 and make note of any corrections or changes
 10 on this Errata Sheet.
 11
 12 2. Indicate below general reason for change,
 13 such as:
 14 A. To correct stenographic error.
 15 B. To clarify record.
 16 C. To conform to the facts.
 17
 18 3. Sign the Certificate of Deponent page.
 19
 20 4. Within 30 days of the Date Sent, return this
 21 Errata Sheet, and signed Certificate of
 Deponent, to the Attorneys listed on the
 Appearance page.
- | PAGE # | LINE # | CORRECTION | REASON |
|--------|--------|------------|--------|
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| | | | |
| | | | |

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1 CERTIFICATE OF DEPONENT

2 I hereby certify that I have read and
 3 examined the foregoing transcript and:
 4 (Check one of the following)
 5 () The same is a true and accurate
 6 record of the testimony given by me, and I have
 7 made no corrections to this transcript.

8 -OR-

9 () Any additions or corrections
 10 that I feel are necessary, I have listed on the
 11 attached Errata Sheet.

12 As witness my hand and signature this
 13 _____ day of _____.

14 -----
 15 DR. MATTHEW LEVITT
 16
 17
 18
 19
 20
 21

Page 452

1 ERRATA SHEET

2 DEPOSITION OF DR. MATTHEW LEVITT - VOLUME II

3 PAGE # LINE # CORRECTION REASON

4 _____
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
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 21 _____

57 (Pages 451 to 453)